



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Jennings at 10:00 a.m. A quorum present—34:

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

PRAYER

The following prayer was offered by Dr. W. T. Lockett, Associate Minister, Mt. Moriah Missionary Baptist Church, Palm Bay:

Eternal God, the maker and giver of every good and perfect gift, it is again that we come before thy throne of grace and mercy. We come asking you not to be angry at us for coming so often, but we come in an effort to say thank you.

We thank you for allowing us to see the rising of another sun. We thank you for the safe journey to these hallowed walls between which we are assembled. We thank you for the privilege of coming to you. We thank you, dear God, for these legislators. We pray now that you will consecrate their minds and take control of their thoughts and let their words match their deeds. Bless them so they will pass the kind of legislation that will make our state a beacon light for others to see and follow. Please give them the courage to say those things that need to be said. Help them to pass the kind of laws that will enhance our educational system, a system that will not need elementary school children to do fund raising in the street while our national President sends one hundred twenty-eight million dollars to Africa and eighteen billion dollars to the IMF. Let them pass the kind of laws that will protect our children and improve housing and employment throughout this great state.

Hold us and grant us thy peace. In thy holy name, we pray. Amen.

PLEDGE

Senate Pages Adam Bender and Lauren Kaplan of Boca Raton, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Bronson—

By Senator Bronson—

SR 1920—A resolution commending Matthew Green for being selected as a Prudential Spirit of Community Award winner.

WHEREAS, Matthew Green, a resident of Titusville and a student at Titusville High School, has achieved national recognition for exemplary volunteer service by receiving a 1998 Prudential Spirit of Community Award, and

WHEREAS, this prestigious award, presented by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Matthew Green earned this award by giving generously of his time and energy to create an Internet website, Teens with Crohn's Disease, which has recorded more than 13,000 visits and provides information and support for persons with this disease, and

WHEREAS, the success of this state, the strength of its communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Matthew Green, who use their talents and resources to serve others, NOW, THEREFORE,

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

That Matthew Green is commended for his outstanding record of volunteer service and community spirit, and is congratulated for being selected as a Prudential Spirit of Community Award winner.

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

—**SR 1920** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Kurth, by two-thirds vote **SB 1970** was withdrawn from the committees of reference and further consideration.

On motion by Senator Clary, by two-thirds vote **SB 2196** was withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 228, SB 282, CS for SB 592, SB 660, CS for SB 758, SB 790, CS for SB 1092, SB 1266, CS for SB 1352, CS for SB 1430, SB 1462, CS for SB 1498, CS for SB 1560, SJR 1580, CS for SB 1596, CS for CS for SB 1704, SB 1724, CS for CS for SB 1796, CS for SB 1878, CS for SB 1934, CS for SB 1984, CS for SB 2110, SB 2242 and SB 2354** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 500** was withdrawn from the Committee on Commerce and Economic Opportunities.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Committee on Ways and Means was granted permission to meet from 3:00 p.m. until 4:15 p.m. in lieu of 2:00 p.m. until 4:15 p.m. as scheduled this day.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, April 9.

CONSIDERATION OF BILLS ON THIRD READING

SENATOR THOMAS PRESIDING

CS for SB 1184—A bill to be entitled An act relating to trust funds; creating the Charter Schools Capital Outlay Trust Fund; providing for administration by the Department of Education; providing for sources of moneys and purposes; providing for annual carryover of moneys; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for SB 1184** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Bankhead	Crist	Harris	Myers
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Klein	Scott
Burt	Dyer	Latvala	Silver
Campbell	Forman	Laurent	Sullivan
Casas	Geller	Lee	Thomas
Clary	Grant	McKay	Williams
Cowin	Hargrett	Meadows	

Nays—2

Jones	Turner
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Vote after roll call:

Yea—Childers, Gutman, Kirkpatrick

Nay—Holzendorf, Kurth

Yea to Nay—Dyer, Silver

CS for CS for HB 3131—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; revising criteria, limitations, and restrictions for eligibility, participation, and benefits payable under the Deferred Retirement Option Program; providing conditions for payment of annual leave; amending s. 121.1122, F.S., relating to provisions for purchase of retirement credit for in-state-service in accredited nonpublic schools and colleges; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **CS for CS for HB 3131** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Bankhead	Childers	Dyer	Horne
Bronson	Clary	Forman	Jones
Brown-Waite	Cowin	Geller	Klein
Burt	Crist	Grant	Kurth
Campbell	Diaz-Balart	Gutman	Latvala
Casas	Dudley	Holzendorf	Laurent

Lee	Ostalkiewicz	Sullivan	Turner
McKay	Rossin	Thomas	Williams
Myers	Silver		

Nays—None

Vote after roll call:

Yea—Harris, Kirkpatrick, Meadows

CS for SB 822—A bill to be entitled An act relating to vehicles used by state agencies; amending s. 20.055, F.S.; requiring a report from agency heads on employee use of state motor vehicles; amending s. 287.151, F.S.; revising purchasing requirements for state motor vehicles used by state attorneys and public defenders; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; removing the power to require transfer of ownership, custody, or control of aircraft and motor vehicles used principally for state fire marshal purposes; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Williams, **CS for SB 822** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bronson	Dudley	Horne	Myers
Brown-Waite	Dyer	Jones	Ostalkiewicz
Burt	Forman	Klein	Rossin
Campbell	Geller	Kurth	Scott
Casas	Grant	Latvala	Silver
Childers	Gutman	Laurent	Sullivan
Clary	Hargrett	Lee	Thomas
Cowin	Harris	McKay	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1132—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; clarifying provisions relating to operation of the Division of State Group Insurance; modifying the role of the Director of the Division of State Group Insurance and staff thereof with respect to the Florida State Group Insurance Council; amending ss. 110.109, 110.112, F.S.; revising reporting requirements; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.1165, F.S.; providing a statute of limitations on filing certain actions; amending s. 110.123, F.S., relating to the state group insurance program; adding and updating definitions; providing for Career Service exemptions in the Division of State Group Insurance; clarifying and correcting references; updating provisions relating to agency payment of premiums for certain employees injured or killed in the line of duty to conform to existing law; amending s. 110.12315, F.S., relating to the state employees' prescription drug program, to revise, clarify, and reorganize such provisions; amending s. 110.1232, F.S., relating to health insurance coverage for certain state retirees, to correct a reference; amending s. 110.1234, F.S., relating to Medicare supplement coverage for state retirees, to correct a reference; amending s. 110.1238, F.S., relating to refunds with respect to provider overcharges; modifying the refund cap; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.161, F.S., relating to the State Employees Pretax Benefits Program Act, to correct references and update language; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for a report; amending s.

110.205, F.S.; conforming provisions to changes made by the act; providing for the designation of Senior Management Service positions; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 121.025, F.S., providing for Career Service exemptions in the Division of Retirement; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 215.94, F.S.; conforming a reference to changes made by the act; amending s. 216.011, F.S.; redefining the term "operating capital outlay"; amending ss. 255.249, 255.25, 255.257, F.S.; revising the threshold for leased space facility requirements; exempting certain leases from the competitive bidding process; providing for a pilot project under the Department of Management Services for contracted tenant brokers to assist state agencies in locating suitable private-sector leases; providing requirements of the project; providing for a report; providing for future repeal; amending s. 255.503, F.S.; providing for the closing of facilities in emergency situations; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.105, F.S.; authorizing certain private elementary and secondary schools to use the state SUN-COM Network; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending s. 287.058, F.S.; requiring that a state contract provide for cancellation of the contract by the contractor or agency upon the refusal by a party to allow public access to certain material; amending ss. 287.16, 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021, 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Gutman, **CS for SB 1132** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1268—A bill to be entitled An act creating the Tobacco Settlement Trust Fund; providing for the deposit of proceeds from the settlement of the state's suit against the tobacco industry; providing for the investment of funds; providing for review and termination of the trust fund; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Childers, **SB 1268** as amended was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Harris, Kirkpatrick

SB 240—A bill to be entitled An act relating to overseas electors; amending s. 97.021, F.S.; defining the terms "absent qualified elector overseas," "fax," and "faxed"; amending s. 100.025, F.S.; revising the notice of election to overseas electors; amending s. 101.5614, F.S.; designating procedures for tabulating faxed ballots; amending s. 101.62, F.S.; authorizing supervisors of elections to fax absentee ballots to overseas electors requesting faxed ballots; deleting certain requirements applicable to overseas ballots; amending ss. 101.64, 101.65, F.S., to conform; creating s. 101.653, F.S.; providing instructions to be included with faxed overseas ballots; amending s. 101.68, F.S., to conform; amending s. 101.694, F.S.; authorizing procedure for overseas electors using the Federal Post Card Application to request faxed ballots; creating s. 101.697, F.S.; authorizing the Department of State to adopt rules to administer faxed balloting; providing an effective date.

—was read the third time by title.

On motions by Senator Crist, **SB 240** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Kurth

Consideration of **CS for SB 1402** was deferred.

CS for SB 1716—A bill to be entitled An act relating to the rulemaking authority of the Department of Health with respect to laws that protect the public health, safety, and welfare (RAB); amending s.

232.032, F.S.; authorizing the department to adopt rules governing the immunization of children; amending s. 381.0011, F.S.; authorizing the department to adopt rules specifying conditions and procedures for imposing quarantines; amending s. 381.003, F.S.; providing requirements for the department in adopting rules governing the prevention and control program for communicable diseases; amending s. 381.0031, F.S.; requiring that certain hospitals and laboratories report to the department the occurrence of diseases that are a threat to public health; authorizing the department to adopt rules governing the reporting of such diseases; amending s. 381.006, F.S.; providing that the department's public health mission includes the regulation of sanitary facilities; amending s. 381.0062, F.S.; providing additional requirements for the department in regulating suppliers of water; authorizing fees to cover inspection costs; amending s. 381.0065, F.S.; requiring that the department inspect and regulate certain commercial sewage systems and temporary facilities; providing inspection requirements for establishments that use an aerobic treatment unit or that generate commercial waste; requiring approval by the department before a municipality or political subdivision issues certain building or plumbing permits or authorizes occupancy; amending s. 381.0072, F.S.; redefining the term "food service establishment"; requiring that the department adopt rules governing sanitation standards; amending s. 381.008, F.S.; clarifying the definition of terms with respect to the department's regulation of migrant labor camps; amending s. 381.0083, F.S.; requiring that a person notify the department before constructing or renovating a migrant labor camp; requiring that a new owner of any such camp apply to the department for a permit; amending s. 381.0086, F.S.; authorizing the department to issue rules for maintaining the roads of a migrant labor camp; amending s. 381.0087, F.S.; specifying a time period for correcting a violation of a department rule; amending s. 381.0098, F.S.; providing for a funeral home that performs embalming procedures to be regulated as a biomedical waste generator; requiring that the department adopt rules for operating plans for managing biomedical waste; exempting certain generators of biomedical waste from permit requirements; authorizing the department to prorate fees; providing for enforcement; amending s. 381.0101, F.S.; revising terms with respect to the regulation of environmental health professionals; providing additional duties of the Environmental Health Professionals Advisory Board; providing requirements for the department in adopting rules; amending s. 381.89, F.S., relating to the regulation of tanning facilities; providing requirements for inspection reports and the training of operators; amending s. 383.011, F.S.; revising duties of the department with respect to administering the federal Child and Adult Care Food Program; authorizing the department to adopt rules for administering certain other federal programs; amending s. 384.33, F.S.; authorizing the department to adopt rules with respect to procedures for notifying a physician or person's partner of a sexually transmissible disease; amending s. 384.34, F.S.; authorizing the department to adopt rules for administering penalty provisions; amending s. 401.26, F.S.; requiring a vehicle permit for an aircraft used to provide life-support services; providing certain exceptions; requiring the department to adopt certain criteria and rules; amending ss. 401.265, 401.30, F.S.; authorizing the department to adopt rules governing the provision of life-support services; amending ss. 403.0625, 403.863, F.S.; authorizing the department to adopt rules governing the certification of environmental laboratories and public water supply laboratories; specifying acts for which the department may impose disciplinary sanctions; amending s. 404.056, F.S.; authorizing the department to establish criteria for certifying persons and businesses that conduct radon gas or radon progeny measurements; providing additional requirements for reporting the results of such measurements; amending s. 404.22, F.S.; providing requirements for the department in inspecting radiation machines and components; requiring persons who install such machines to register with the department; amending s. 468.306, F.S.; providing requirements for examinations; amending s. 489.553, F.S.; providing for out-of-state work experience and examinations to fulfill certain requirements for registration as a septic tank contractor; amending s. 489.555, F.S.; providing additional requirements for the certification of partnerships and corporations that offer septic tank contracting services; amending s. 499.005, F.S.; prohibiting misrepresentation or fraud in obtaining or distributing a prescription drug or device; amending s. 499.01, F.S.; authorizing the department to issue a permit for the distribution of drugs to a health care entity; providing for changing the type of permit issued; amending s. 499.012, F.S.; redefining the term "wholesale distribution" for purposes of the regulation of the sale of prescription drugs; authorizing the department to adopt rules for issuing permits and handling prescription drugs; amending s. 499.0121, F.S.; providing for the exemption of certain establishments from requirements governing the storage and handling of prescription drugs; amend-

ing s. 499.0122, F.S.; authorizing the department to adopt rules governing the sale of veterinary legend drugs; amending s. 499.013, F.S.; authorizing the department to adopt rules governing manufacturers of drugs or devices; amending s. 499.014, F.S.; requiring persons who process returned drugs to obtain a permit from the department; amending s. 499.015, F.S.; providing requirements for registering product names with the department; amending ss. 499.03, 499.65, F.S.; authorizing the department to adopt rules to allow researchers to possess prescription drugs or ether; amending s. 499.05, F.S.; requiring the department to adopt rules governing recordkeeping and the storage, handling, and distribution of medical devices and over-the-counter drugs; amending s. 499.66, F.S.; revising the recordkeeping requirements for sales of ether; amending s. 499.67, F.S.; specifying unlawful acts with respect to the purchase, storage, or use of ether; amending s. 501.122, F.S.; authorizing the department to establish additional standards for the use of lasers; amending s. 513.045, F.S.; revising the permit fees charged to operators of mobile home parks and recreational camps; amending s. 513.05, F.S.; providing additional rulemaking authority for the department with respect to such parks and camps; amending s. 514.011, F.S.; defining the term "portable pool"; amending s. 514.0115, F.S.; authorizing the department to grant variances with respect to regulations governing the operation of swimming pools; amending s. 514.03, F.S.; revising requirements for construction plans for a public swimming pool or bathing place; amending s. 514.031, F.S.; requiring the posting of an operating permit for a pool; prohibiting the use of a portable pool as a public pool; amending s. 514.033, F.S.; providing for the department to prorate certain fees for an operating permit; amending s. 514.05, F.S.; authorizing the department to adopt rules specifying conditions for closing a pool; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 1716** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

CS for SB 1708—A bill to be entitled An act relating to rulemaking authority with respect to the Department of Labor and Employment Security (RAB); amending s. 370.0805, F.S.; correcting cross-reference; amending s. 413.011, F.S.; authorizing rulemaking for vocational rehabilitation programs and forms; amending s. 413.051, F.S.; authorizing rulemaking for a vending facility program; amending ss. 443.036, 443.091, 443.121, 443.131, 443.141, 443.151, F.S.; defining and modifying specific terms; correcting cross-references; allowing the Division of Unemployment Compensation to adopt rules to determine a claimant's ability to work and availability for work; allowing the division to prescribe by rule training criteria; clarifying types of contracts; allowing the division to adopt rules regarding total successions, procedures for changing methods of reporting, the application of partial payments and monetary and nonmonetary determinations and investigations of eligibility; amending s. 450.121, F.S.; authorizing the Division of Jobs and Benefits to adopt rules that define terms, prescribe documentation for proof of age, prescribe procedure with respect to removal of disability of nonage, require certain safety equipment and a safe workplace for minors, prescribe deadlines for responses to records requests, and state an official address; amending s. 450.30, F.S.; authorizing the division to adopt rules prescribing procedures for registering as a farm labor contractor; amending s. 450.33, F.S.; requiring insurance carriers to notify the division of impending cancellation of insurance on vehicles that transport

farm workers; amending s. 450.38, F.S.; authorizing the division to adopt rules containing criteria for determining the amount of civil penalties; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Holzendorf, **CS for SB 1708** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

Consideration of **SB 146** was deferred.

CS for SB 482—A bill to be entitled An act relating to educational facilities; amending s. 235.31, F.S.; requiring boards to prequalify bidders for construction contracts according to Commissioner of Education rule; requiring certification or licensure of bidders or contractors; amending s. 489.125, F.S.; conforming language relating to construction contractors; repealing s. 489.527, F.S., relating to electrical and alarm system contractors, to conform; repealing section 633.551(5), F.S., relating to fire protection system contractors, to conform; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for SB 482** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

HB 791—A bill to be entitled An act relating to municipal water and sewer utilities; amending s. 180.191, F.S.; eliminating limitations on utility rates charged outside municipal boundaries in certain municipalities in home rule charter counties; providing an effective date.

—was read the third time by title.

On motions by Senator Silver, **HB 791** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

Consideration of **SB 472** was deferred.

HB 3231—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising a definition; requiring a study; providing an effective date.

—was read the third time by title.

On motions by Senator Childers, **HB 3231** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

CS for SB 290—A bill to be entitled An act relating to emergency medical services; creating s. 401.272, F.S., providing for paramedics and emergency medical technicians to provide health promotion and wellness activities and blood pressure screenings; providing for paramedics to administer immunizations and requiring the verification and documentation of their qualifications to do so; providing conditions to the provision of such community health care; providing for rulemaking; amending s. 401.265, F.S.; specifying additional liability provisions for medical directors under certain circumstances; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Klein, **CS for SB 290** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Clary	Grant	Klein
Bronson	Cowin	Gutman	Kurth
Brown-Waite	Crist	Hargrett	Latvala
Burt	Diaz-Balart	Harris	Laurent
Campbell	Dudley	Holzendorf	Lee
Casas	Forman	Horne	McKay
Childers	Geller	Jones	Meadows

Myers	Scott	Sullivan	Turner
Ostalkiewicz	Silver	Thomas	Williams
Rossin			

Nays—None

Vote after roll call:

Yea—Dyer, Kirkpatrick

SB 1898—A bill to be entitled An act relating to volunteers; amending s. 112.3135, F.S.; providing an exemption from the nepotism law for persons providing volunteer emergency medical, firefighting, and police services; providing an effective date.

—was read the third time by title.

On motions by Senator Cowin, **SB 1898** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1372—A bill to be entitled An act relating to insurance; amending ss. 624.425, 624.428, 624.478, 626.112, F.S.; requiring agents to be appointed; amending s. 624.501, F.S.; clarifying application of fees for title insurance agents; amending s. 626.022, F.S.; providing for applicability of ch. 626, F.S.; amending s. 626.051, F.S.; revising the definition of the term “life agent”; prescribing requirements for soliciting or selling variable life insurance, variable annuity contracts, and other indeterminate value contracts; amending s. 626.062, F.S.; conforming a cross-reference; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; excluding solicitors; authorizing the department to secure a credit and character report on certain persons; providing limits; providing requirements of the department; amending s. 626.451, F.S.; requiring law enforcement agencies, the state attorney’s office, and court clerks to notify the department of agents found guilty of felonies; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.601, F.S.; authorizing the department to initiate investigation of agents or other licensees under certain conditions; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in addition to suspending, revoking, or refusing to renew a license or appointment; creating s. 626.692, F.S.; providing for restitution under certain circumstances; amending s. 626.7351, F.S.; specifying additional qualifications for a customer representative’s license; amending s.

626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.741, F.S.; authorizing the department to issue a customer representative license to certain persons; providing a limitation; providing procedures for agent licensure of certain persons under certain circumstances; providing for cancellation of a nonresident agent’s license; amending ss. 626.792, 626.835, F.S.; providing procedures for issuing a resident agent’s license to certain persons; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8417, F.S.; revising the qualifications for licensure as a title insurance agent; amending s. 626.8418, F.S.; increasing the amount of the deposit or bond of a title insurance agency; specifying that the bond of a title insurance agency must be posted with the department and must inure to the benefit of damaged insurers and insureds; amending ss. 626.8437, 626.844, F.S.; clarifying application of grounds for refusal, suspension, or revocation of license or appointment; amending s. 626.8443, F.S.; providing additional limitations on activities during suspension or after revocation of a license; amending s. 626.852, F.S.; providing for applicability; amending s. 626.858, F.S.; revising the definition of the term “nonresident adjuster” to define “nonresident company employee adjuster”; creating s. 626.8582, F.S.; defining the term “nonresident public adjuster”; creating s. 626.8884, F.S.; defining the term “nonresident independent adjuster”; amending s. 626.865, F.S.; increasing the bonding requirements for public adjusters; amending s. 626.873, F.S.; providing for licensure and qualifications for resident company employee adjusters; creating s. 626.8732, F.S.; providing for licensure and qualifications for nonresident public adjusters; creating s. 626.8734, F.S.; providing for licensure and qualifications for nonresident independent adjusters; creating s. 626.8736, F.S.; providing for service of process on nonresident independent adjusters and on nonresident public adjusters; creating s. 626.8737, F.S.; establishing a retaliatory tax provision regarding certain fines, taxes, penalties, license fees, monetary deposits, securities, or other obligations, limitations, or prohibitions imposed by another state upon Florida resident insurance adjusters in connection with the issuance of, or activities under, a nonresident adjuster’s license under that state’s laws; creating s. 626.8738, F.S.; providing a criminal penalty for acting as a resident or nonresident public adjuster without the required license; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.8695, F.S.; providing for notice to the department; requiring designation of primary adjuster on forms prescribed by the department; amending s. 626.872, F.S.; prohibiting the department from issuing a temporary adjuster’s license to certain persons; amending s. 626.873, F.S.; providing procedures for licensing certain persons as resident adjusters; providing for cancellation of nonresident adjuster’s license; amending s. 626.875, F.S.; prescribing time for keeping adjusters’ records; amending s. 626.922, F.S.; requiring surplus lines agents to perform certain duties relating to evidence of insurance; amending s. 626.928, F.S.; increasing bonds for surplus lines agents; amending ss. 626.927, 626.9271, 626.929, 626.935, 626.944, F.S.; requiring appointment in addition to licensure of certain persons; amending s. 627.745, F.S.; clarifying a provision related to final examination; amending s. 634.420, F.S.; clarifying application of accountability provisions; amending s. 634.317, F.S.; providing for responsibility and accountability of sales representatives; amending s. 642.036, F.S.; deleting requirement that the addresses of certain agents be filed with the department; repealing s. 626.112(6), F.S., relating to licensing of claims investigators; amending s. 624.412, F.S.; deleting provisions relating to minimum trust deposits by alien insurers; repealing s. 626.532, F.S., relating to insurance vending machine licenses; repealing s. 626.857, F.S., relating to the definition of “claims investigator”; creating s. 624.4072, F.S.; exempting minority-owned property and casualty insurers from prescribed taxes and assessments for specified period; specifying conditions; providing for future repeal; providing an effective date.

—as amended April 2 was read the third time by title.

Senator Williams moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 53, lines 10-15, delete those lines and insert: *with the appointing insurer. If a properly documented claim is timely filed with the department by a damaged title insurer, the department may remit an appropriate amount of the deposit or the proceeds that are received from the surety in payment of the claim damaged insurer making claim on the bond.* The required deposit or

Senator Holzendorf moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 85, line 18 through page 86, line 17, delete those lines and insert:

(1) A minority business that is at least 51 percent owned by minority persons, as defined in s. 288.703(3), initially issued a certificate of authority in this state as an authorized insurer after May 1, 1998, to write property and casualty insurance shall be exempt, for a period not to exceed 5 years from the date of receiving its certificate of authority, from the following taxes and assessments:

(a) Taxes imposed under ss. 624.509, 175.101, and 185.08;

(b) Assessments by the Florida Residential Property and Casualty Joint Underwriting Association or by the Florida Windstorm Underwriting Association, as provided under s. 627.351, except for emergency assessments collected from policyholders pursuant to s. 627.351(2)(b)2.d.(III) and (6)(b)3.d. Any such insurer shall be a member insurer of the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association. The premiums of such insurer shall be included in determining, for the Florida Windstorm Underwriting Association, the aggregate statewide direct written premium for property insurance and in determining, for the Florida Residential Property and Casualty Joint Underwriting Association, the aggregate statewide direct written premium for the subject lines of business for all member insurers.

(2) The provisions of subsection (1) apply only to residential property insurance policies, including commercial residential property insurance policies, and only to an insurer that:

(a) Has a home or regional office in this state;

(b) Has permanent employees in this state; and

(c) Has at least 20 percent of its Florida policies written and located in urban and inner-city areas that are located in a metropolitan statistical area, as defined in 42 U.S.C. 12902(5).

(3) The provision of the definition of "minority person" in s. 288.703(3) that requires residency in Florida shall not apply to the term "minority person" as used in this section or s. 627.3511.

(4) This section is repealed effective July 1, 2003, and the tax and assessment exemptions authorized by this section shall terminate on such date.

Senator Williams moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (with title amendment)—On page 86, between lines 17 and 18, insert:

Section 81. Present subsections (3) and (4) of section 627.681, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to that section, to read:

627.681 Term and evidence of insurance.—

(3) Notwithstanding s. 627.6785(3), the term of credit life or credit disability insurance may be for less than the term of the indebtedness. However, except for the age limitations referred to in s. 627.6785(3), the term shall extend for at least 5 years or for the term of the indebtedness, whichever is less.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 31, after the semicolon (;) insert: amending s. 627.681, F.S.; prescribing terms for credit life insurance and credit disability insurance;

On motions by Senator Williams, **CS for SB 1372** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Crist	Holzendorf	Myers
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Silver
Casas	Geller	Latvala	Sullivan
Childers	Gutman	Laurent	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, McKay

HB 1649—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.04, F.S.; replacing the term "member" with the term "resident"; amending s. 296.06, F.S.; amending prerequisites to eligibility for admission to the domiciliary home; amending s. 296.07, F.S.; replacing the term "member" with the term "resident"; amending s. 296.08, F.S.; amending a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; amending the list of information about each resident which is to be kept in the general register; amending ss. 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, and 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; designating a building located in Lake City as the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida"; directing the Florida Department of Veterans' Affairs to erect suitable markers; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **HB 1649** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1260—A bill to be entitled An act relating to the construction of the Florida Statutes; amending s. 1.01, F.S.; redefining the term "veteran"; providing an effective date.

—was read the third time by title.

On motions by Senator Harris, **SB 1260** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary

Cowin	Grant	Latvala	Rossin
Crist	Gutman	Laurent	Scott
Diaz-Balart	Harris	Lee	Silver
Dudley	Horne	McKay	Sullivan
Dyer	Jones	Meadows	Thomas
Forman	Klein	Myers	Turner
Geller	Kurth	Ostalkiewicz	Williams

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1402—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license or Florida identification number be included in the uniform statewide voter registration application; amending s. 196.111, F.S.; providing for notice of termination of homestead exemption; creating s. 196.115, F.S.; providing for termination of homestead exemption and subsequent disqualification upon registration as an elector in another precinct; amending s. 196.121, F.S.; requiring homestead exemption forms to include notice of the requirements for factual determination of permanent residency by the property appraiser and notice of the requirements relating to voter registration and the potential loss of homestead exemption; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information of a witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.061, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing for civil penalties; amending s. 106.265, F.S.; requiring the Department of Revenue to collect civil

finances levied by the Florida Elections Commission; providing an appropriation; providing effective dates.

—was read the third time by title.

Senator Latvala moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (with title amendment)—On page 38, line 25, after the period (.) insert: *All sworn complaints alleging violations of the Florida Elections Code over which the commission has jurisdiction shall be filed with the commission within 2 years of the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission.*

And the title is amended as follows:

On page 4, line 6, after "procedures;" insert: providing a time period for filing complaints with the commission;

On motions by Senator Latvala, **CS for SB 1402** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Dyer	Kurth	Silver
Campbell	Forman	Latvala	Sullivan
Casas	Geller	Laurent	Thomas
Childers	Grant	Lee	Turner
Clary	Gutman	McKay	Williams
Cowin	Harris	Meadows	
Crist	Horne	Myers	

Nays—4

Hargrett	Holzendorf	Jones	Ostalkiewicz
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CS for CS for HB 1637—A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing second degree misdemeanor penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing third degree felony penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; providing for appeal by agency of requested waiver; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as absentee voters; prohibiting the supervisor of elections from disclosing certain information, except under specified circumstances; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Holzendorf, **CS for CS for HB 1637** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Casas	Crist	Forman
Bronson	Childers	Diaz-Balart	Geller
Burt	Clary	Dudley	Grant
Campbell	Cowin	Dyer	Gutman

Hargrett	Klein	Myers	Thomas
Harris	Kurth	Ostalkiewicz	Turner
Holzendorf	Latvala	Rossin	Williams
Horne	Laurent	Scott	
Jones	Lee	Silver	
Kirkpatrick	Meadows	Sullivan	

Nays—None

Vote after roll call:

Yea—McKay

CS for CS for HB 1639—A bill to be entitled An act relating to public records; creating s. 741.465, F.S.; providing an exemption from public records requirements for certain personal information about program participants in the Address Confidentiality Program for Victims of Domestic Violence; providing exceptions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Holzendorf, **CS for CS for HB 1639** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Bankhead	Crist	Harris	Meadows
Bronson	Diaz-Balart	Holzendorf	Ostalkiewicz
Brown-Waite	Dudley	Horne	Rossin
Burt	Dyer	Jones	Scott
Campbell	Forman	Kirkpatrick	Silver
Casas	Geller	Klein	Sullivan
Childers	Grant	Kurth	Turner
Clary	Gutman	Latvala	Williams
Cowin	Hargrett	Laurent	

Nays—None

Vote after roll call:

Yea—Lee

CS for HB 3061—A bill to be entitled An act relating to airports; amending s. 330.30, F.S.; exempting certain airports used exclusively for aerial application or spraying of crops on a seasonal basis from a provision of law providing for the approval of airport sites and the licensing of airports; providing an effective date.

—was read the third time by title.

On motions by Senator Hargrett, **CS for HB 3061** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 472—A bill to be entitled An act relating to the practice of veterinary medicine; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary

medical practice; amending s. 474.207, F.S.; revising requirements for certain persons to take the examination for licensure as a veterinarian; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; conforming a cross-reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; providing for participation of veterinarians in impaired practitioner treatment programs; providing an effective date.

—as amended April 2 was read the third time by title.

On motions by Senator Dyer, **SB 472** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SPECIAL ORDER CALENDAR

THE PRESIDENT PRESIDING

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

CS for CS for SB 760—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; revising the reporting requirements of the Office of Tourism, Trade, and Economic Development relating to permits and rules; authorizing the Office of Tourism, Trade, and Economic Development to coordinate establishment of a one-stop permit registry; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending ss. 212.097 and 212.098, F.S.; clarifying the definition of a “new business” under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program; providing that certain call centers or similar customer service operations are eligible businesses under these programs; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.075, F.S.; specifying that the prohibition against contracting with entities that have requested confidentiality concerning certain economic development information does not apply to a public officer or employee or an economic development agency employee acting in his or her official capacity; amending s. 288.095, F.S.; establishing a cap on the total amount of the state share of tax refunds which may be approved for a single fiscal year under the tax refund programs for qualified defense contractors, qualified target industry businesses, and brownfield redevelopment; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; amending s. 288.106, F.S.; authorizing a reduced employment threshold for expanding businesses in certain rural areas or enterprise zones under the tax refund program for qualified target industry businesses; amending s. 288.1221, F.S.; conforming legislative intent on

the time period covered by a tourism promotion marketing plan to the time period covered by the marketing plan prepared by the Florida Commission on Tourism under s. 288.1224, F.S.; amending s. 288.1222, F.S.; revising the definition of "tourist" to clarify that the term applies to a person participating in trade or recreation activities outside the county of permanent residence; amending s. 288.1223, F.S.; eliminating an historical reference to the first meeting of the Florida Commission on Tourism; providing that the commission shall meet at least quarterly; providing that the commission shall elect a vice chairman annually; providing legislative findings and intent on the potential economic development benefits of ecotourism; authorizing the Division of Recreation and Parks of the Department of Environmental Protection, subject to legislative appropriation, to establish an ecotourism promotion program; providing for eligible uses of funds under such program; authorizing funds to be used to award ecotourism promotion grants; prescribing grant application procedures and eligible uses of grant awards; amending s. 479.261, F.S.; expanding the logo sign program to include certain heritage, historic, or scenic trails; amending s. 288.90151, F.S.; revising the matching private funding requirements for Enterprise Florida, Inc.; providing for partial release of funds placed in reserve under specified circumstances; amending s. 288.9618, F.S.; limiting the amount of appropriations for the microenterprise program that may be used for administrative expenses; creating s. 288.9958, F.S.; establishing the PRIDE Job Placement Incentive Program; directing Enterprise Florida, Inc., to examine the current and potential economic development contribution of the biotechnology industry and other health technology industries to this state; requiring Enterprise Florida, Inc., to report to the Legislature on findings and recommendations; providing for designation of an enterprise zone that encompasses a brownfield project under certain circumstances; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; amending s. 414.25, F.S.; extending the expiration date; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 20, lines 2 and 3, delete those lines and insert: "development agency" means the *Office of Tourism, Trade, and Economic Development* ~~Division of Economic Development of the Department of Commerce~~, any industrial development

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: replacing a reference to the Department of Commerce with a reference to the Office of Tourism, Trade, and Economic Development in the definition of "economic development agency" under a provision relating to the confidentiality of certain economic development information;

SENATOR DYER PRESIDING

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendment to be considered:

Senators Jones, Holzendorf, Hargrett, Meadows and Turner offered the following amendment which was moved by Senator Jones and adopted:

Amendment 2 (with title amendment)—On page 59, between lines 16 and 17, insert:

Section 24. *Enterprise Florida, Inc., shall prepare a strategic plan designed to allow Florida to capitalize on the economic opportunities associated with the Caribbean nations and South Africa. The plan should recognize the historical and cultural ties between this state and*

such areas and should focus on building a long-term economic relationship between these communities. The plan should also recognize existing economic infrastructure in Florida that could be applied toward trade and other business activities with the Caribbean and South Africa. In developing this plan, Enterprise Florida, Inc., shall solicit the participation and input of individuals who have expertise on these areas and their economies, including, but not limited to, business leaders in Florida who have had previous business experience in these areas. The plan may include recommendations for legislative action necessary to implement the strategic plan. The plan must be submitted to the Governor and Legislature before January 1, 1999.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 24, after the second semicolon (;) insert: requiring Enterprise Florida, Inc., to develop a strategic plan designed to help Florida capitalize on economic opportunities with the Caribbean and South Africa;

Senator Harris moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 59, between lines 16 and 17, insert:

Section 24. *Enterprise Florida, Inc., shall develop a master plan for integrating public-sector and private-sector international-trade and reverse-investment resources, in order that businesses may obtain comprehensive assistance and information in the most productive and efficient manner. The scope of this plan shall include, but need not be limited to, resources related to the provision of trade information, such as trade leads and reverse investment opportunities; trade counseling; and trade financing services. In developing the master plan, Enterprise Florida, Inc., shall solicit the participation and input of organizations providing these resources, the consumers of these resources, and others who have expertise and experience in international trade and reverse investment. The master plan may include recommendations for legislative action designed to enhance the delivery of international-trade and reverse-investment assistance. The master plan, which Enterprise Florida, Inc., may include within the annual update or modification to the strategic plan required under section 288.905, Florida Statutes, must be submitted to the Legislature and the Governor before January 1, 1999.*

Section 25. *Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, shall prepare a plan for promoting direct investment in Florida by foreign businesses. This plan must assess and inventory Florida's strengths as a location for foreign direct investment and must include a detailed strategy for capitalizing upon those strengths. In developing the plan, Enterprise Florida, Inc., shall focus on businesses with site-election criteria that are consistent with Florida's business climate, businesses likely to facilitate the transshipment of goods through Florida or to export Florida-produced goods from the state, and businesses that complement or correspond to those industries identified as part of the sector-strategy approach to economic development required under section 288.905, Florida Statutes. The plan must also identify weaknesses in Florida's ability to attract foreign direct investment and must include a detailed strategy for addressing those weaknesses. The plan may include recommendations for legislative action designed to enhance Florida's ability to attract foreign direct investment. In developing the plan, Enterprise Florida, Inc., shall solicit the participation and input of entities that have expertise and experience in foreign direct investment. The plan, which Enterprise Florida, Inc., may include within the annual update or modification to the strategic plan required under section 288.905, Florida Statutes, must be submitted to the Legislature and the Governor before January 1, 1999.*

Section 26. *In anticipation of the day that the people of Cuba are no longer denied the inalienable rights and freedom that all men and women should be guaranteed, Enterprise Florida, Inc., shall prepare a strategic plan designed to allow Florida to capitalize on the economic opportunities associated with a free Cuba. The plan should recognize the historical and cultural ties between this state and Cuba and should focus on building a long-term economic relationship between these communities. The plan should also recognize existing economic infrastructure in Florida that could be applied toward trade and other business activities with Cuba. The plan should identify specific preparatory steps to be taken in advance of a lifting of the trade embargo with Cuba. In developing this plan, Enterprise Florida, Inc., shall solicit the participation and input of*

individuals who have expertise on Cuba and its economy, including, but not limited to, business leaders in Florida who have had previous business experience in Cuba. The plan may include recommendations for legislative action necessary to implement the strategic plan. The plan must be submitted to the Governor and Legislature before January 1, 1999.

Section 27. Subsection (9) is added to section 14.2015, Florida Statutes, to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(9) *The Office of Tourism, Trade, and Economic Development shall ensure the prompt disbursement of funds when responsible for the disbursement of funds. When such funds have not been disbursed on or before legislatively or contractually prescribed disbursement dates, or within 30 days of the beginning of the state fiscal year, whichever is applicable, the Office of Tourism, Trade, and Economic Development shall notify the President of the Senate and the Speaker of the House of Representatives of the fact that such funds have not been disbursed, along with a brief description of the reasons for the delay in disbursement. At the end of each succeeding 30 day period that such funds remain undisbursed, the Office of Tourism, Trade, and Economic Development shall provide a supplemental report to the President of the Senate and the Speaker of the House of Representatives with a brief description of the reasons for the continued delay in disbursement.*

Section 28. Section 15.18, Florida Statutes, is amended to read:

15.18 International and cultural relations.—The Divisions of Cultural Affairs, Historical Resources, and Library and Information Services of the Department of State promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity. The Secretary of State, as the head administrator of these divisions, shall hereafter be known as “Florida’s Chief Cultural Officer.” As this officer, the Secretary of State is encouraged to initiate and develop relationships between the state and foreign cultural officers, their representatives, and other foreign governmental officials in order to promote Florida as the center of American creativity. The Secretary of State shall coordinate international activities pursuant to this section with *Enterprise Florida, Inc., and any other organization the secretary deems appropriate* ~~the Florida International Affairs Commission~~. For the accomplishment of this purpose, the Secretary of State shall have the power and authority to:

(1) Disseminate any information pertaining to the State of Florida which promotes the state’s cultural assets.

(2) Plan and carry out activities designed to cause improved cultural and governmental programs and exchanges with foreign countries.

(3) Plan and implement cultural and social activities for visiting foreign heads of state, diplomats, dignitaries, and exchange groups.

(4) Encourage and cooperate with other public and private organizations or groups in their efforts to promote the cultural advantages of Florida.

(5) *Establish and maintain the list prescribed in s. 55.605(2)(g), relating to recognition of foreign money judgments.*

(6)(5) Serve as the liaison with all foreign consular and ambassadorial corps, as well as international organizations, that are consistent with the purposes of this section.

(7)(6) Provide, arrange, and make expenditures for the achievement of any or all of the purposes specified in this section.

(8)(7) Notwithstanding the provisions of part I of chapter 287, promulgate rules for entering into contracts which are primarily for promotional services and events, which may include commodities involving a service. Such rules shall include the authority to negotiate costs with the offerors of such services and commodities who have been determined to be qualified on the basis of technical merit, creative ability, and professional competency. The rules shall only apply to the expenditure of funds donated for promotional services and events. Expenditures of appropriated funds shall be made only in accordance with part I of chapter 287.

Section 29. Subsections (1) and (6) of section 55.604, Florida Statutes, are amended to read:

55.604 Recognition and enforcement.—Except as provided in s. 55.605, a foreign judgment meeting the requirements of s. 55.603 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. Procedures for recognition and enforceability of a foreign judgment shall be as follows:

(1) The foreign judgment shall be filed with the *Department of State and the clerk of the court and recorded in the public records in the county or counties where enforcement is sought. The filing with the Department of State shall not create a lien on any property.*

(a) At the time of the recording of a foreign judgment, the judgment creditor shall make and record with the clerk of the circuit court an affidavit setting forth the name, social security number, if known, and last known post-office address of the judgment debtor and of the judgment creditor.

(b) Promptly upon the recording of the foreign judgment and the affidavit, the clerk shall mail notice of the recording of the foreign judgment, by registered mail with return receipt requested, to the judgment debtor at the address given in the affidavit and shall make a note of the mailing in the docket. The notice shall include the name and address of the judgment creditor and of the judgment creditor’s attorney, if any, in this state. In addition, the judgment creditor may mail a notice of the recording of the judgment to the judgment debtor and may record proof of mailing with the clerk. The failure of the clerk to mail notice of recording will not affect the enforcement proceedings if proof of mailing by the judgment creditor has been recorded.

(6) Once an order recognizing the foreign judgment has been entered by a court of this state, the order and a copy of the judgment *shall be filed with the Department of State and may be recorded in any other county of this state without further notice or proceedings, and shall be enforceable in the same manner as the judgment of a court of this state.*

Section 30. Paragraph (g) of subsection (2) of section 55.605, Florida Statutes, is amended to read:

55.605 Grounds for nonrecognition.—

(2) A foreign judgment need not be recognized if:

(g) The foreign jurisdiction where judgment was rendered would not give recognition to a similar judgment rendered in this state. *For purposes of this paragraph, the Secretary of State shall establish and maintain a list of foreign jurisdictions where the condition specified in this paragraph has been found to apply.*

Section 31. Section 5. Section 257.34, Florida Statutes, is created to read:

257.34 *Florida State International Archive and Repository.—*

(1) *There is created within the Division of Library and Information Services of the Department of State the Florida International Archive and Repository for the preservation of those public records, as defined in s. 119.011(1), manuscripts, international judgements involving disputes between domestic and foreign businesses, and all other public matters the department or the Florida Council of International Development deems relevant to international issues. It is the duty and responsibility of the division to:*

(a) *Organize and administer the Florida State International Archive and Repository;*

(b) *Preserve and administer such records as shall be transferred to its custody; accept, arrange, and preserve them, according to approved archival and repository practices; and permit them, at reasonable times and under the supervision of the division, to be inspected, examined, and copied. All public records transferred to the custody of the division shall be subject to the provisions of s. 119.07(1).*

(c) *Assist the records and information management program in the determination of retention values for records;*

(d) *Cooperate with and assist insofar as practicable state institutions, departments, agencies, counties, municipalities, and individuals engaged in international related activities;*

(e) Provide a public research room where, under rules established by the division, the materials in the international archive and repository may be studied;

(f) Conduct, promote, and encourage research in international trade, government, and culture and maintain a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research;

(g) Cooperate with and, insofar as practicable, assist agencies, libraries, institutions, and individuals in projects designed to promote international related issues and preserve original materials relating to international related issues; and

(h) Assist and cooperate with the records and information management program in the training and information program described in s. 257.36(1)(g).

(2) Any agency is authorized and empowered to turn over to the division any record no longer in current official use. The division, in its discretion, is authorized to accept such record and, having done so, shall provide for its administration and preservation as herein provided and, upon acceptance, shall be considered the legal custodian of such record. The division is empowered to direct and effect the transfer to the archives of any records that are determined by the division to have such historical or other value to warrant their continued preservation or protection, unless the head of the agency which has custody of the records certifies in writing to the division that the records shall be retained in the agency's custody for use in the conduct of the regular current business of the agency.

(3) Title to any record transferred to the Florida State International Archive and Repository, as authorized in this chapter, shall be vested in the division.

(4) The division shall make certified copies under seal of any record transferred to it upon the application of any person, and said certificates shall have the same force and effect as if made by the agency from which the record was received. The division may charge a fee for this service based upon the cost of service.

(5) The division may establish and maintain a schedule of fees for services which shall include, but not be limited to, restoration of materials, storage of materials, special research services, and publications.

(6) The division shall establish and maintain a mechanism by which the information contained within the Florida State International Archive and Repository may be accessed by computer via the World Wide Web. In doing so, the division shall take whatever measures it deems appropriate to insure the validity, quality and safety of the information being accessed.

(7) The division shall promulgate such rules as are necessary to implement the provisions of this section.

(8) The Florida Council of International Development may select materials for inclusion in the Florida State International Archive and Repository and shall be consulted closely by the division in all matters relating to its establishment and maintenance.

Section 32. Present subsections (3), (4), and (5) of section 288.012, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section to read:

288.012 State of Florida foreign offices.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.

(3) By October 1 of each year, each foreign office shall submit to the Office of Tourism, Trade, and Economic Development a complete and

detailed report on its activities and accomplishments during the preceding fiscal year. In a format provided by Enterprise Florida, Inc., the report must set forth information on:

- (a) The number of Florida companies assisted.
- (b) The number of inquiries received about investment opportunities in this state.
- (c) The number of trade leads generated.
- (d) The number of investment projects announced.
- (e) The estimated U.S. dollar value of sales confirmations.
- (f) The number of representation agreements.
- (g) The number of company consultations.
- (h) Barriers or other issues affecting the effective operation of the office.
 - (i) Changes in office operations which are planned for the current fiscal year.
 - (j) Marketing activities conducted.
 - (k) Strategic alliances formed with organizations in the country in which the office is located.
 - (l) Activities conducted with other Florida foreign offices.
 - (m) Any other information that the office believes would contribute to an understanding of its activities.

Section 33. Subsection (9) of section 288.8175, Florida Statutes, is amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(9) The Department of Education shall review and make linkage-institute budget requests to the Governor and the Legislature. State appropriations for institutes created under this section must be made by a single lump-sum line item to the department, which must apportion the funds among the various institutes in accordance with criteria established by the department. *The linkage institutes shall be eligible to apply on a competitive basis to the Office of Tourism, Trade, and Economic Development for the Targeted Market Pilot Project Grants Program as defined in s. 14.2015, designed to improve short and long term international business opportunities for Florida businesses.*

Section 34. Section 288.9530, Florida Statutes, is created to read:

288.9530 The Florida Business Expansion Corporation.—

(1) The Florida Business Expansion Corporation is hereby created as a corporation not-for-profit, to be incorporated under the provisions of chapter 617. The corporation is organized on a nonstock basis. The corporation shall provide business expansion assistance to businesses in this state having job growth or emerging technology potential and fewer than 500 employees. The primary purpose of the corporation shall be to assist such Florida businesses to grow through the development of cross-border transactions which lead to increased revenues, cost reductions, sales or investments for Florida businesses. For purposes of this Act, "cross-border transactions" shall be defined as the formation of joint venture, strategic alliance, investment, technology transfer or licensing, co-development, or other commercial relationships between Florida businesses and non-Florida entities. In providing its services, the corporation shall seek to recover its costs and expenditures of state funds via fee, equity participation, or any other form of revenue generation or recovery, and to achieve the self-sufficiency of its operations. It is the intent of the Legislature that the corporation achieve self-sufficiency within three years of its establishment. For the purposes of this section, the term "self-sufficiency" shall mean that the annual expenses of operation of the corporation shall be less than or equal to the total value of the compensation derived including fee, equity participation, or any other form of revenue generation or recovery from the operations of the corporation by June 30, 2001.

(2) The corporation is intended to compliment, rather than duplicate, the services and programs of Enterprise Florida, Inc., the Florida Export Finance Corporation, and other existing economic development entities. The corporation programs are to serve small to mid-sized Florida firms in conducting transactions with entities located in other states and nations.

Section 35. Section 288.9531, Florida Statutes, is created to read:

288.9531 Powers and Duties of the Corporation.—

(1) In addition to all of the statutory powers of Florida not-for-profit corporations, the corporation shall have the power and duty to:

(a) Perform analyses of opportunities to Florida businesses from the formation of stronger and numerous commercial relationships through cross-border transactions;

(b) Locate Florida businesses which are strong candidates for business expansion and match such businesses with joint venture or strategic alliance partners, sources of investment capital, or purchasers or licensees of technology;

(c) Prepare selected Florida firms to achieve business expansion through preparation of business plans and marketing materials, arranging participation in major domestic and international events targeted towards industry participants and investors, and placement of articles in business press and trade publications;

(d) Counsel Florida businesses in the development and execution of cross-border transactions;

(e) Develop, in conjunction with target businesses, criteria for evaluation of potential cross-border transactions or strategic partners;

(f) Provide listings of strategic partners which meet agreed-upon criteria;

(g) Develop negotiating strategies and marketing materials designed to address the concerns of potential strategic partners;

(h) Approach and initiate discussions with potential strategic partners and investors;

(i) Present Florida small and medium-sized firms to potential strategic partners and investors;

(j) Identify and, in conjunction with associated professionals, provide guidance on critical business and legal issues associated with proposed transactions, including issues relating to transfers of assets, ownership of intellectual property, tax planning, and other relevant matters;

(k) Assist in the negotiation of pricing and terms of participation of the parties;

(l) Close cross-border transactions on behalf of Florida small and medium-sized firms, and manage outside professionals in the closing of the transaction;

(m) Handle issues that arise after closing to ensure continued success of the transaction; and

(n) Charge fees, in amounts to be determined by the board, to defray the operating costs of its programs.

(2) On or before December 31, 1998, the corporation shall submit to the Office of Tourism, Trade, and Economic Development a business plan providing further specifics of its operations, including, but not limited to, the following:

(a) Specific goals and outcomes to be achieved by the corporation in the accomplishment of its statutory duties;

(b) Types of specific assistance to be rendered to Florida businesses, including detailed descriptions of the specific steps required to provide each type of assistance, and the projected costs of such assistance; and

(c) Specific provisions for the self-sufficient operation of the corporation prior to July 1, 2001, including specific projections of the compensation anticipated from generation of successful cross-border transactions.

(d) A description of the manner in which the corporation will interact with existing state-sponsored economic development entities.

(3) The business plan and the data upon which it is based shall constitute a public record and shall be distributed in a manner which will provide maximum benefit to Florida businesses.

Section 36. Section 288.9532, Florida Statutes, is created to read:

288.9532 Board of directors.—

(1) The corporation shall have an initial board of directors consisting of the following persons:

(a) The President of Enterprise Florida, Inc., or his designee;

(b) The Comptroller or his designee;

(c) The Commissioner of Insurance or his designee;

(d) The chair of the Florida Black Business Investment Board or his designee;

(e) The chair of the Florida Export Finance Corporation or his designee; and

(f) The chair of the Florida First Capital Finance corporation or his designee.

(2) Notwithstanding the provisions of subsection (1), the board of directors may by resolution appoint to the board up to ten at-large members from the private sector, each of whom shall serve a 2-year term. Minority and gender representation shall be considered when making at-large appointments to the board. At-large members shall have the powers and duties of other members of the board. An at-large member is eligible for reappointment, but may not vote on his or her own reappointment.

(3) The board shall ensure that its composition is reflective of the diversity of Florida's business community, and to the greatest degree possible shall include, but not be limited to, individuals representing small and medium-sized businesses, minority businesses, universities and other institutions of higher education, and international and domestic economic development organizations. A majority of at-large members of the board shall have significant experience in international business, with expertise in the areas of trade, transportation, finance, law, or manufacturing.

(4) Members of the board of directors shall serve without compensation, but members, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors.

(5) A majority of currently serving members of the board shall constitute a quorum for purposes of all business of the board.

Section 37. Section 288.9533, Florida Statutes, is created to read:

288.9533 Powers and Duties of the Board of Directors.—The board shall:

(1) Prior to the expenditure of funds from the Florida Business Expansion account, adopt bylaws and internal procedures which are necessary to carry out the responsibilities of the corporation. The articles and bylaws of the corporation shall be reviewed and approved by the Office of Tourism, Trade, and Economic Development prior to final adoption by the board;

(2) Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and duties of the board;

(3) Develop a streamlined application and review process;

(4) Adopt rules and policies, including application and award criteria, regarding eligibility of businesses to receive assistance from the corporation. Such rules and policies shall include, but not be limited to, the requirements that the target businesses:

(a) Shall have substantial operations in Florida;

(b) Shall have products, business or technology in existence at the time of application;

(c) Shall have proven management;

(d) Shall be in a stage of business which is favorable to expansion of the business into international markets;

(e) Shall have products or technologies which have a substantial potential for beneficial effect on business expansion, business revenue or employment in Florida; and

(f) Shall have products or technologies which are potential technology or market leaders with substantial commercial potential in international markets.

(5) Proposed awards of assistance shall be reviewed and approved at meetings of the board. The board shall give the highest priority to activities that offer the greatest opportunity for economic development impact and cost recovery.

Section 38. Chapter 288.9534, Florida Statutes, is created to read:

288.9534 Management of the Corporation.—

(1) The activities of the corporation shall be administered under a multiyear contract with a private sector entity selected by the board no later than September 1, 1998. Such company shall have responsibility for performance of all statutory duties of the corporation, under the control and supervision of the board. Potential management companies shall:

(a) Have existing operations in Florida, and provide Florida-resident personnel to perform services under the contract;

(b) Have an established record of success in the creation of cross-border transactions, and at least ten years of operational experience in such business;

(c) Have staff with substantial financial and international affairs experience;

(d) Have international offices;

(e) Commit to a cash match expenditure of ten percent of the amount of the state contract issued pursuant to this section, with such cash to be provided from the capital of the contractor and expended directly in the pursuit of the statutory purposes of the corporation; and

(f) Have substantial experience in as many of the following areas as possible:

1. Arrangement of cross-border transactions;
2. Development and implementation of market entry strategies for business expansion;
3. Preparation of market analyses and strategic plans; and
4. Work with foreign and domestic financial institutions, highly regulated industries and foreign governments.

(2) The company selected pursuant to this subsection shall provide personnel to serve as officers of the corporation who shall perform on behalf of the corporation all of the customary functions of the offices they occupy.

(3) The board shall provide by contract for division with the management company of total compensation derived from the operations of the corporation. Such division shall be made quarterly, and shall involve the total compensation of the corporation which are in excess of the expenses of the corporation for that quarter.

(4) Prior to securing management services for the corporation, staffing of the corporation shall be provided by the Office of Tourism, Trade, and Economic Development, which shall provide to the board by August 7, 1998, a list of candidates qualified and desiring to perform the duties of the management company specified in this section. The Office of Tourism, Trade, and Economic Development shall also have responsibility for the establishment of performance measures and requirements which provide for the performance of the statutory duties of the corporation, as well as the following:

(a) Specific outcomes from the performance of the management company, as well as timetables for the accomplishment of such outcomes;

(b) Requirements relating to the handling of state funds and providing for third party audit and financial review of the operations of the corporation;

(c) Reversion to the state of all assets of the corporation in the event of cessation of operations of the corporation; and

(d) Termination of the management company in the event of its failure to perform the duties or deliver the outcomes provided in the management contract.

Section 39. Section 288.9535, Florida Statutes, is created to read:

288.9535 Florida Business Expansion Account.—

(1) The board shall create the Florida Business Expansion account for the purpose of receiving state, federal, and private financial resources, and the return from employment of those resources, and for the purposes of the corporation. The account shall be under the exclusive control of the board.

(2) Resources in the account shall be allocated for operating expenses of the corporation and for other statutorily authorized purposes, including costs of research, provision of business assistance to targeted businesses, and other costs.

(3) Appropriations for the corporation shall be deposited into the account.

(4) The board may establish the account and any sub-accounts necessary and convenient for the operation of the corporation with state or federally chartered financial institutions in this state and may invest the assets of the account in permissible securities.

(5) At all times, the board shall attempt to maximize the returns on funds in the account.

(6) All revenues received from the operations of the corporation shall be redeposited in the account to be used to promote the statutory purposes of the corporation.

(7) Under no circumstances shall the credit of the state be pledged by or on behalf of the corporation, other than funds appropriated by law to the account, nor shall the state be liable or obligated in any way for claims on the account or against the corporation.

(8) Pursuant to s. 216.351, the amount of any moneys appropriated to the account which are unused at the end of the fiscal year shall not be subject to reversion under s. 216.301. All moneys in the account are continuously appropriated to the account and may be used for the purposes specified in this section. The Office of Tourism, Trade, and Economic Development shall ensure that all funds in the account shall revert to the state in the event that the corporation is dissolved, ceases operations, or upon the evaluation of the board that such services cannot be provided on a cost-recovery basis. Such a determination shall be made only after an initial period of program setup and market research of at least one year.

Section 40. Section 288.9536, Florida Statutes, is created to read:

288.9536 Reporting and Review.—

(1) By September 1, 1999, the corporation in cooperation with the Office of Program Policy Analysis and Government Accountability shall develop a research design, including goals and measurable objectives for the corporation, which will provide the Legislature with a quantitative evaluation of the corporation. The corporation shall utilize the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability.

(2) On January 31, 2000, and on January 31 of each succeeding year, the corporation shall prepare a report on the financial status of the corporation and the account and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the President of Enterprise Florida, Inc. The report shall

specify the assets and liabilities of the account within the current fiscal year and shall include a list of the businesses assisted, the benefits obtained by each business assisted, including, but not limited to, increased revenues, cost reductions, sales or investment which have been realized by such businesses.

(3) Prior to the 2001 regular session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall perform a review and evaluation of the corporation using the research design promulgated pursuant to this section. The report shall review and comment on the operations and accomplishments of the corporation. A report of the findings and recommendations of the Office of Program Policy Analysis and Government Accountability shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 2001 regular session.

Section 41. Part IV of chapter 721, Florida Statutes, consisting of sections 721.96, 721.97, and 721.98, is created to read:

721.96 Purpose.—The purpose of this part is to provide for the appointment of commissioners of deeds to take acknowledgments, proofs of execution and oaths outside the United States in connection with the execution of any deed, mortgage, deed of trust, contract, power of attorney, or any other agreement, instrument or writing concerning, relating to, or to be used or recorded in connection with a timeshare estate, timeshare license, any property subject to a timeshare plan, or the operation of a timeshare plan located within this state.

721.97 Timeshare Commissioner of Deeds.—

(1) The Governor may appoint commissioners of deeds to take acknowledgments, proofs of execution or oaths in any foreign country. The term of office shall be for four years. Commissioners of deeds shall have authority to take acknowledgments, proofs of execution and oaths in connection with the execution of any deed, mortgage, deed of trust, contract, power of attorney, or any other writing to be used or recorded in connection with a timeshare estate, timeshare license, any property subject to a timeshare plan, or the operation of a timeshare plan located within this state; provided such instrument or writing is executed outside the United States. Such acknowledgments, proofs of execution and oaths must be taken or made in the manner directed by the laws of this state, including, but not limited to, s. 117.05(4), (5)(a) and (6), and certified by a commissioner of deeds. The certification shall be endorsed on or annexed to the instrument or writing aforesaid and has the same effect as if made or taken by a notary public licensed in this state.

(2) Any person seeking to be appointed a commissioner of deeds shall take and subscribe an oath, before a notary public in this state or any other state, or a person authorized to take oaths in another country, to well and faithfully execute and perform the duties of such commissioner of deeds. The oath shall be filed with the Department of State prior to the person being commissioned.

(3) Official acts performed by any previously appointed commissioners of deeds between May 30, 1997, and the effective date of this part, are declared valid as though such official acts were performed in accordance with and under the authority of this part.

721.98 Powers of the division.—The division has no duty or authority to regulate, enforce, or ensure compliance with any provision of this part.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, between lines 24 and 25, insert: requiring Enterprise Florida, Inc., to develop a master plan for integrating international trade and reverse investment resources; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, to prepare a plan to promote foreign direct investment in Florida; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., to develop a strategic plan that will allow Florida to capitalize on the economic opportunities associated with a post-embargo Cuba; amending s. 14.2015, F.S.; relating to the disbursement of certain funds by the Office of Tourism, Trade, and Economic Development; requiring reports; amending s. 15.18, F.S.; providing for coordination of international activities of the Department of State; amending s. 55.604, F.S.; requiring foreign judgments to be filed with the Secretary of State; amending s. 55.605, F.S.;

requiring the Secretary of State to create and maintain a specified list relative to foreign money judgments; amending s. 15.18, F.S.; requiring the Secretary of State to maintain lists relating to foreign money judgments; creating s. 257.34, F.S.; creating the Florida State International Archive; Providing requirements for the archive; providing for access to the archive; amending s. 288.8175, F.S.; authorizing linkage institutes to competitively apply for Targeted Market Pilot Projects Grants; creating s. 288.9530, F.S.; providing for the creation of the Florida Business Expansion Corporation to provide business expansion assistance to businesses in the state having job growth or emerging technology potential; creating s. 288.9531, F.S.; providing for powers and duties of the corporation; creating s. 288.9532, F.S., and s. 288.9533, F.S.; creating the corporation board of directors and providing for their powers and duties; creating s. 288.9534, F.S.; providing that the corporation contracts with an experienced management company to administer and perform the duties of the corporation; creating s. 288.9535, F.S.; creating the Florida Business Expansion Account to receive state, federal, and private financial resources for the purpose of funding the objectives of the corporation; creating s. 288.9536, F.S.; providing for the reporting and review requirements of the corporation; creating Part IV of ch. 721; creating s. 721.96, F.S.; providing a purpose for the commissioners of deeds; creating s. 721.97, F.S.; authorizing the appointment of commissioners of deed; providing authority; ratifying certain actions of commissioners of deeds; creating s. 721.98, F.S.; limiting powers of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 288.012, F.S., relating to State of Florida foreign offices; directing each office to report annually to the Office of Tourism, Trade, and Economic Development on activities and accomplishments; prescribing the contents of such reports;

MOTION

On motion by Senator Hargrett, the rules were waived to allow the following amendment to be considered:

Senator Hargrett moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 59, between lines 16 and 17, insert:

Section 24. Subject to an appropriation in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development is authorized to contract with Enterprise Florida, Inc., for the award of Inner City Redevelopment Assistance Grants in connection with the urban initiative of Enterprise Florida, Inc. Such grants may only be used to fund economic development in areas that meet or exceed the criteria for areas eligible under the Urban High-Crime Area Job Tax Credit Program pursuant to section 212.097, Florida Statutes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 24, after the semicolon (;) insert: authorizing the Office of Tourism, Trade, and Economic Development to contract with Enterprise Florida, Inc., for the award of Inner City Redevelopment Assistance Grants;

MOTION

On motion by Senator Holzendorf, the rules were waived to allow the following amendment to be considered:

Senator Holzendorf moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 59, between lines 16 and 17, insert:

Section 24. Subsection (18) of section 212.097, Florida Statutes, is amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

(18) Applications for credit under this section may be submitted on or after January 1, 1999. Prior to January 1, 2000, the Legislature may review all areas designated by local government and approved by the Office of Tourism, Trade, and Economic Development for use of the tax

credit. If the Legislature determines that any local government application has been submitted which fails to include the highest crime areas in the county or city, based upon the criteria established in this section, the unit of local government which has applied for the tax credit must reimburse the state in an amount equal to the credit claimed by businesses in the affected jurisdiction.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, between lines 24 and 25, insert: amending s. 212.097, F.S.; relating to the Urban High-Crime Job tax credit; permitting legislative review of the program; providing for local government reimbursement to the state under certain circumstances;

Pursuant to Rule 4.19, **CS for CS for SB 760** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

SB 712—A bill to be entitled An act relating to municipalities; amending s. 166.021, F.S.; providing legislative findings; authorizing municipal governing bodies to expend public funds to attract and retain business enterprises; specifying that such use of public funds constitutes a public purpose and defining the economic development activities that qualify as such public purpose; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Bronson and adopted:

Amendment 1—On page 2, between lines 21 and 22, insert:

(d) Nothing contained in this subsection shall be construed as a limitation on the home rule powers granted by the State Constitution for municipalities.

Pursuant to Rule 4.19, **SB 712** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

SB 762—A bill to be entitled An act relating to workforce development; transferring and amending s. 288.9620, F.S.; providing legislative findings; creating the Workforce Development Board within Enterprise Florida, Inc.; providing for a board of directors and for officers and employees; providing duties of the board and of its board of directors; providing for reports and audits; requiring measures and standards of workforce development strategy; transferring and amending ss. 446.601, 446.602, 446.603, 446.604, 446.605, 446.606, 446.607, F.S.; conforming terminology and cross-references; amending s. 288.902, F.S.; deleting an obsolete cross-reference; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendments which were moved by Senator Harris and adopted:

Amendment 1—On page 5, line 8, after “by” insert: *the board of directors of*

Amendment 2—On page 15, line 28, delete “board” and insert: *Workforce Development Board*

Pursuant to Rule 4.19, **SB 762** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 874** and **CS for SB 1458** was deferred.

On motion by Senator Harris—

SB 1262—A bill to be entitled An act relating to small business financial assistance; creating s. 288.95155, F.S.; creating the Florida Small Business Technology Growth Program; requiring the technology development board of Enterprise Florida, Inc., to administer and manage the program; requiring the board to establish a separate account in the Florida Technology Research Investment Fund for certain purposes; specifying sources of moneys in the account; providing program purposes; providing criteria for awards of assistance from the program; requiring the board to annually report on the fiscal status of the program and account; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1262** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1202**, **CS for SB 1204** and **SB 940** was deferred.

On motion by Senator Clary, by two-thirds vote **CS for HB 3223** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Clary—

CS for HB 3223—A bill to be entitled An act relating to land platting; amending s. 177.031, F.S.; defining terms relating to platting; amending s. 177.041, F.S.; requiring plats and replats of subdivisions submitted for approval to be accompanied by a boundary survey of the platted lands; amending s. 177.051, F.S.; revising provisions relating to naming and replatting subdivisions; amending s. 177.061, F.S.; providing requirements for the recording of a plat; amending s. 177.071, F.S.; revising provisions relating to approval of plats by governing bodies; amending s. 177.081, F.S.; requiring plats to be reviewed by a professional surveyor and mapper before approval by a governing body; amending s. 177.091, F.S.; providing requirements for monuments and revising other requirements of plats made for recording; amending s. 177.101, F.S.; providing for the vacation and annulment of prior plats; amending s. 177.141, F.S.; revising provisions relating to affidavits confirming errors on recorded plats; amending s. 177.151, F.S.; revising provisions relating to state plane coordinates; amending ss. 177.021, 177.121, 177.131, 177.132, 177.27, 177.38, F.S.; conforming references; providing an effective date.

—a companion measure, was substituted for **CS for SB 406** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3223** was placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

SB 136—A bill to be entitled An act relating to dog guides and service dogs; amending s. 413.08, F.S.; prohibiting a person from interfering with a person who is engaged in training a dog guide or service dog; providing penalties; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 136** to **CS for HB 3147**.

Pending further consideration of **SB 136** as amended, on motion by Senator Forman, by two-thirds vote **CS for HB 3147** was withdrawn from the Committees on Commerce and Economic Opportunities; and Criminal Justice.

On motion by Senator Forman, the rules were waived and—

CS for HB 3147—A bill to be entitled An act relating to blind services; amending s. 413.08, F.S.; prohibiting a person from interfering with a person who is engaged in training a dog guide or service dog; providing penalties; amending s. 413.011, F.S.; revising provisions relating to the Advisory Council for the Blind within the Department of Labor and Employment Security; providing definitions; providing composition of

the council; providing for appointment of members; providing for terms; providing functions of the council; requiring the preparation of a resource plan; providing for staff; providing for meetings of the council; authorizing the council to conduct forums and hearings; providing for open meetings; providing an effective date.

—a companion measure, was substituted for **SB 136** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3147** was placed on the calendar of Bills on Third Reading.

SENATOR BANKHEAD PRESIDING

On motion by Senator Burt—

SB 222—A bill to be entitled An act relating to public officers and employees; amending ss. 18.01, 19.14, 20.23, F.S.; eliminating bond requirements for the Treasurer, the Commissioner of Agriculture, and the comptroller of the Department of Transportation; amending s. 20.05, F.S.; allowing the head of an executive department to require bonds for officers or employees of the department and to set the amount of the bond and approve the bond; amending s. 20.32, F.S.; allowing the Parole Commission to require bonds for employees, set the bond amount, and approve the bonds; amending s. 27.255, F.S.; authorizing state attorneys to require bonds for full-time investigators and special investigators; amending ss. 28.01, 28.02, 28.09, 30.01, 30.02, 30.06, 30.09, 30.21, 40.35, F.S.; requiring bonds and the filing of bonds with the clerk of the circuit court as determined by the board of county commissioners for the clerk of the circuit court, clerks ad interim, sheriffs, and deputy sheriffs; providing requirements for bonds when sheriffs are appointed to fill vacancies; clarifying the liability of sureties; amending ss. 48.021, 98.015, F.S.; eliminating bond requirements for special process servers, and supervisors of elections; amending s. 113.07, F.S.; eliminating the requirement for public officials to file a surety bond as a prequalification to holding office or performing duties; amending s. 115.03, F.S., relating to elected officers' duties; clarifying that any required bonds remain in effect for the remainder of a term of office; allowing for the deputy to give a bond; amending s. 137.01, F.S.; eliminating the bond requirements for county officers; allowing the board of county commissioners to require county officers to give a bond, set the amount of the bond, and approve the bond; requiring the filing of bonds with the clerk of the circuit court instead of the Department of State; amending s. 137.02, F.S.; eliminating the bond requirements for tax collectors; requiring bond as determined by the board of county commissioners; eliminating the requirement that the Department of State approve the bond; amending s. 137.03, F.S.; eliminating the bond requirement for property appraisers; requiring bond as determined by the board of county commissioners; amending s. 137.04, F.S.; eliminating the bond requirement for county commissioners; requiring bond as determined by the board; eliminating the requirement that the Department of State approve the bond; amending s. 137.05, F.S., relating to the examination requirements of bonds of county officers by the county commissioners; removing the examination criteria for sureties; removing the required report of impaired bonds by the county commissioners to the Governor; amending s. 240.268, F.S.; eliminating the bond requirement for university police officers; allowing the university to require a bond, set the amount of the bond, and approve the bond; amending s. 240.38, F.S.; eliminating the bond requirement for community college police officers; allowing the community college to require a bond, set the amount of the bond, and approve the bond; amending s. 242.343, F.S.; eliminating the bond requirement for campus police of the Florida School for the Deaf and the Blind; allowing the board of trustees to require a bond, set the amount of the bond, and approve the bond; amending ss. 250.10, 266.00001, 266.0013, F.S., and repealing s. 252.55(5), F.S.; eliminating bond requirements for the state quartermaster appointed by the Adjutant General, the Florida Wing commander of the Civil Air Patrol, and members of the historic preservation board; authorizing the Department of State to require and approve a bond for members of historic preservation boards; amending s. 284.41, F.S.; eliminating the coverage for trust funds by the public official bond of the Treasurer and Insurance Commissioner; amending s. 320.03, F.S.; allowing the Department of Highway Safety and Motor Vehicles to require a bond of tax collectors; amending s. 372.04, F.S.; eliminating the requirement for the Director of the Game and Fresh Water Fish Commission to give a bond; allowing the Game and Fresh Water Fish Commission to require a bond of employees, to determine the amount of the bond, and to approve the bond; amending s. 388.131, F.S.; eliminating

the bond requirement for the board of commissioners of mosquito-control districts; allowing the Department of Agriculture and Consumer Services to require a bond; amending s. 440.50, F.S.; eliminating the requirement for the Treasurer and Insurance Commissioner to give a bond related to his or her duties as custodian of the Workers' Compensation Administration Trust Fund; amending s. 443.191, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties as custodian of the Unemployment Compensation Trust Fund; amending s. 443.211, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties in connection with the Employment Security Administration Trust Fund; amending s. 523.22, F.S.; eliminating the requirement that the Legislature provide for premiums for the bonds of all naval store inspectors; amending ss. 561.051, 570.073, 570.09, 570.11, 582.055, F.S.; eliminating bond requirements for the director and employees of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and for certain employees of the Department of Agriculture and Consumer Services; repealing s. 17.01, F.S., which requires the Comptroller to give a bond; repealing s. 17.19, F.S., which requires the Comptroller to annually examine the bonds of state officers and report insufficiency of bonds to the Governor; requiring the Governor to require a new bond; holding the Comptroller liable to the state for any loss sustained due to failure to examine the bonds; providing for recovery of loss by suit; repealing s. 113.05, F.S., which prohibits the Governor from issuing commissions to persons required by law to give bond until the execution, approval, and filing of the bond; repealing s. 137.06, F.S., which provides that the failure of a county officer to file a new bond is misfeasance, requires the Governor to suspend the officer and appoint a successor, and makes an officer impeachable for failure to give a new bond; repealing s. 137.07, F.S., which provides liability of the Comptroller and county commissioners to the state and county for failure to perform duties under s. 17.19, F.S., or s. 137.05, F.S.; repealing s. 213.04, F.S., which requires the executive director of the Department of Revenue to give a bond; repealing s. 229.501, F.S., which requires the Commissioner of Education to give a bond; repealing s. 281.09, F.S., which requires bonding for the officers and agents of the Division of Capitol Police; repealing s. 321.08, F.S., which requires certain officers and employees of the Department of Highway Safety and Motor Vehicles to give a bond; repealing s. 523.11, F.S., which requires the supervising inspector of naval stores to give a bond; providing applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 222** was placed on the calendar of Bills on Third Reading.

On motion by Senator Meadows—

CS for SB 176—A bill to be entitled An act relating to residential tenancies; creating s. 83.565, F.S.; providing for a tenant to repair the premises after notice to the landlord; providing for deduction of the costs of repair from rent due; providing limitations; amending s. 83.60, F.S.; providing for the right of the tenant to repair to be a defense to an action for rent or possession; providing for the payment of certain funds into the registry of the court; amending s. 83.64, F.S.; prohibiting retaliatory actions by the landlord; providing an effective date.

—was read the second time by title.

Senator Meadows moved the following amendment which was adopted:

Amendment 1—On page 1, line 26, after the period (.) insert: *For purposes of this section, repairs of an emergency nature are limited to those repairs necessary to result in: heat during the winter months, running water, hot water, elimination of leaks or faulty drains which create internal standing water, and functioning external locks, toilet, stove, oven, refrigerator, exterior windows and exterior doors.*

Senator Hargrett moved the following amendment which failed:

Amendment 2—On page 2, between lines 18 and 19, insert:

(3) *This section applies only to complexes with more than 100 dwelling units.*

Senator Hargrett moved the following amendment which was adopted:

Amendment 3—On page 3, line 18, after the period (.) insert: *Additionally, if there is damage to the dwelling unit to which subsection (1) applies and damage to which subsection (1) does not apply, due to this subsection, the landlord may offset the cost of repair of the damages to which subsection (1) applies by the cost of repair of the damages to which subsection (1) does not apply, if the tenant has not paid all or a part of those repair costs.*

The vote was:

Yeas—22

Bronson	Grant	Kurth	Ostalkiewicz
Brown-Waite	Hargrett	Latvala	Sullivan
Childers	Harris	Laurent	Thomas
Cowin	Holzendorf	Lee	Williams
Crist	Horne	McKay	
Diaz-Balart	Kirkpatrick	Myers	

Nays—10

Campbell	Forman	Klein	Rossin
Dudley	Geller	Meadows	Scott
Dyer	Jones		

MOTION TO RECONSIDER AMENDMENT

Senator Thomas moved that the Senate reconsider the vote by which **Amendment 2** failed. The motion failed.

Pursuant to Rule 4.19, **CS for SB 176** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator McKay—

CS for SB 874—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; specifying certain rights of jurors; authorizing discussions among jurors; authorizing jurors to take notes; authorizing certain information to be provided to jurors; authorizing jurors to submit written questions to the court and to witnesses; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; requiring the completion of mediation before trial is set in certain civil actions; providing conditions for mediation; creating s. 47.025, F.S.; specifying where certain lien actions may be brought against resident contractors, subcontractors, and sub-subcontractors; amending s. 57.105, F.S.; revising conditions under which attorney's fees may be imposed against a party and the party's attorney for presenting unsupported claims or defenses; entitling an opposing party to strike certain claims or defenses raised by a party who has been sanctioned in a specified number of actions within a specified period for presenting unsupported claims or defenses; authorizing the court to impose additional sanctions or requirements; authorizing damage awards against a party who takes specified actions for the purpose of delay; amending s. 90.803, F.S.; revising the requirements under which former testimony may be allowed at trial as an exception to the prohibition against hearsay evidence; amending s. 95.031, F.S.; limiting the period during which an action may be brought for product liability; providing for application; amending s. 768.075, F.S.; decreasing blood-alcohol level; changing standard of conduct from willful and wanton misconduct to intentional misconduct; providing an exemption from liability to trespassers; providing conditions and limitations on exemption; providing definitions; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee if the employer conducts a preemployment background investigation; prescribing the elements of such background investigation; specifying that electing not to complete the background investigation does not constitute a failure to use reasonable care in hiring an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.098, F.S.; providing that a business owner or operator is immune from liability under certain

circumstances for an intentional tort by a third party against an invitee; providing for an exception; creating s. 768.1256, F.S.; creating a rebuttable presumption from liability for products, drugs, and medical devices in compliance with certain standards; providing exceptions; providing that, under certain circumstances, a state agency or political subdivision may be held liable to the same extent as a private person for failure to provide adequate security or police protection; creating s. 768.099, F.S.; limiting liability of motor vehicle owners and rental companies to specific amounts without a showing of negligence or intentional misconduct; providing exceptions; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if the plaintiff was more than a specified percentage at fault due to the influence of an alcoholic beverage or drugs; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.73, F.S.; requiring certain findings for, and providing for reduction of, subsequent punitive damage awards under specified circumstances; requiring that a specified percentage of an award for punitive damages be paid to the state; requiring the Department of Banking and Finance to collect the payments of such awards; providing for attorney's fees for the claimant to be based on the entire award of punitive damages; creating s. 768.736, F.S.; providing that ss. 768.725, 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; creating s. 768.781, F.S.; providing for terms in certain contracts for an attorney's services; requiring that notice be sent to each allegedly responsible party; providing requirements for a presuit response and settlement offer; amending s. 768.79, F.S.; authorizing the court to consider whether a proposal was reasonably rejected when considering entitlement to and the amount of an award of attorney's fees; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; requiring a defendant to plead that a nonparty is at fault within a certain time; requiring that the defendant must prove the nonparty has some fault; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring physicians and osteopathic physicians to obtain and maintain a specified amount of professional liability coverage as a condition of hospital staff privileges; providing legislative findings and intent with respect to the regulation of legal advertising; creating s. 877.023, F.S.; regulating the content of advertisements for legal services; providing a penalty; specifying that the provisions do not abrogate certain other laws, codes, ordinances, rules, or penalties; requiring the clerk of court to report certain information on negligence cases to the Office of the State Court Administrator; providing for severability; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 12, line 26 through page 14, line 31, delete those lines and insert:

Section 4. Section 57.105, Florida Statutes, is amended to read:

57.105 *Attorney's fee; sanctions for raising unfounded claims or defenses; damages for delay of litigation.*—

(1) The court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney in any civil action in which the court finds that *the losing party or the losing party's attorney knew, or with diligent inquiry in the time available to present the claim or defense should have known, before presenting the claim or defense:*

(a) *That the claim or defense was not supported by the material facts necessary to establish the claim or defense; or*

(b) *That the application of then-existing law to those material facts known to the losing party or losing party's attorney would not support the claim or defense. ~~there was a complete absence of a justiciable issue of either law or fact raised by the complaint or defense of the losing party; provided,~~*

However, ~~that~~ the losing party's attorney is not personally responsible if he or she has acted in good faith, based on the representations of his or her client *as to the existence of material facts.* If the court awards fees to a claimant pursuant to this subsection ~~finds that there was a complete absence of a justiciable issue of either law or fact raised by the defense,~~ the court shall also award prejudgment interest.

(2) *Subsection (1) shall not apply if the court determines that the claim or defense was presented as a good-faith attempt with a reasonable probability of damaging the then-existing law as it applied to the facts the losing party or losing party's attorney knew at the time the claim or defense was presented.*

(3) *If any plaintiff or defendant has been sanctioned under subsection (1) in more than 25 percent of the actions that are filed, or in which a defense has been filed, by that party, then in any further litigation in which that plaintiff or defendant is a party, whether or not related to the actions in which the sanctions were imposed, the opposing party is entitled to have the claims or defenses of such plaintiff or defendant stricken unless such plaintiff or defendant first makes a prima facie showing that the claims or defenses are brought in good faith, applying then-existing law or applying a good-faith attempt to change the then-existing law, and supported by the material facts necessary to establish the claim or defense. Furthermore, the court may impose such additional sanctions or requirements as are just and warranted under the circumstances of the particular case.*

(4) *In any civil proceeding in which the moving party proves, by a preponderance of the evidence, that any action taken by the opposing party, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, was taken primarily for the purpose of unreasonable delay, the court shall award damages to the moving party for the time necessitated by the conduct in question.*

(5)(2) *If a contract contains a provision allowing attorney's fees to a party when he or she is required to take any action to enforce the contract, the court may also allow reasonable attorney's fees to the other party when that party prevails in any action, whether as plaintiff or defendant, with respect to the contract. The subsection applies to any contract entered into on or after October 1, 1988. This act shall take effect October 1, 1988, and shall apply to contracts entered into on said date or thereafter.*

Section 5. Effective October 1, 1999, subsection (3) of section 57.105, Florida Statutes, as amended by this act, is amended to read:

57.105 Attorney's fee; sanctions for raising unfounded claims or defenses; damages for delay of litigation.—

(3) *If any plaintiff or defendant has been sanctioned under subsection (1) in more than 10 25 percent of the actions that are filed, or in which a defense has been filed, by that party, then in any further litigation in which that plaintiff or defendant is a party, whether or not related to the actions in which the sanctions were imposed, the opposing party is entitled to have the claims or defenses of such plaintiff or defendant stricken unless such plaintiff or defendant first makes a prima facie showing that the claims or defenses are brought in good faith, applying then-existing law or applying a good-faith attempt to change the then-existing law, and supported by the material facts necessary to establish the claim or defense. Furthermore, the court may impose such additional sanctions or requirements as are just and warranted under the circumstances of the particular case.*

(Redesignate subsequent sections.)

Senators Sullivan and Rossin offered the following amendments to **Amendment 1** which were moved by Senator Rossin and adopted:

Amendment 1A—On page 1, line 26, delete “*diligent*” and insert: *reasonable*

Amendment 1B—On page 2, line 16, delete “*damaging*” and insert: *changing*

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

Amendment 1C—On page 3, line 3 and on page 4, line 10, after the period (.) insert: *This section shall apply only if any party has been sanctioned under this section at least three times in the preceding 5 years.*

Amendment 1 as amended was adopted.

Senators Silver, Cowin, Thomas, Horne, Kurth, Clary, Dyer, Williams and Bronson offered the following amendment which was moved by Senator Silver and adopted:

Amendment 2 (with title amendment)—On page 16, between lines 21 and 22, insert:

Section 7. Subsections (6), (7), and (8) are added to section 400.023, Florida Statutes, to read:

400.023 Civil enforcement.—

(6) *To recover attorney's fees under this section, the following conditions precedent must be met:*

(a) *Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.*

1. *Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:*

a. *Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.*

b. *Set a date for mediation.*

c. *Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.*

2. *The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.*

3. *The mediation shall be conducted in the following manner:*

a. *Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.*

b. *Each party shall mediate in good faith.*

4. *All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.*

(b) *If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.*

(c) *This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.*

(d) *This subsection applies to all causes of action that accrue on or after October 1, 1998.*

(7) *Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.*

(8) *In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the first semicolon (;) insert: amending s. 400.023, F.S., relating to actions brought on behalf of nursing home residents; providing that a party to any such action may not recover attorney's fees unless the parties submit to mediation; specifying re-

quirements for such mediation; providing for application; providing a standard for any award of punitive damages;

Senator Silver moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 22, line 1 through page 23, line 22, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, line 31 through page 3, line 4, delete those lines and insert: invitee; providing for an exception; providing

Senator Ostalkiewicz moved the following amendment which failed:

Amendment 4 (with title amendment)—On page 24, lines 3-26, delete those lines and insert:

Section 13. Section 768.099, Florida Statutes, is created to read:

768.099 Limited liability based on ownership of a motor vehicle.—

(1) *Notwithstanding any other provision of law, the owner of a motor vehicle shall not be vicariously liable in a civil action for damages to a third person resulting from the operation of the motor vehicle by a person other than the owner.*

(2) *Notwithstanding subsection (1) or any other provision of law, if the owner of a motor vehicle is a business that rents or leases motor vehicles for a term of less than one year, the owner shall not be vicariously liable for punitive damages or non-economic damages in a civil action for damages to a third person resulting from the operation of the motor vehicle by a person other than the owner or other than an agent or employee of the owner.*

(3) *Nothing in this section shall be construed to alter the provisions of s. 324.021(9)(b) governing the liability of a lessor under an agreement to lease a motor vehicle for 1 year or longer.*

(4) *The limitations on liability in this section do not apply to an owner of a motor vehicle that is used for commercial activity in the owner's ordinary course of business, other than a business that rents or leases motor vehicles.*

And the title is amended as follows:

On page 3, lines 10-13, delete those lines and insert: limiting the liability of certain motor vehicle owners; providing exceptions; creating s.

Senator Burt moved the following amendment which was adopted:

Amendment 5—On page 24, lines 8, 9, 16 and 17, delete "to a third party"

Senator Jones moved the following amendment:

Amendment 6 (with title amendment)—On page 24, line 21, after the period (.) insert: *Notwithstanding any other provision of law, a person who leases a motor vehicle for a term of less than 1 year shall be required as a condition of leasing such vehicle to purchase insurance which contains limits of not less than \$750,000 combined bodily injury and property damage liability covering the operation of the vehicle by the lessor and any other authorized driver. Such insurance coverage must remain in effect from the time the lessor takes possession of the vehicle until the vehicle is returned to the lessee.*

And the title is amended as follows:

On page 3, line 13, before "providing" insert: requiring the purchase of insurance by renters of motor vehicles;

Senators Dyer, Hargrett and Jones offered the following substitute amendment which was moved by Senator Dyer and failed:

Amendment 7—On page 24, lines 5-26, delete those lines and insert:

768.099 Limits on liability for loaned, rented, or leased private passenger motor vehicles.—

(1) *Notwithstanding any other provision of law, a motor vehicle rental business that rents or leases a private passenger motor vehicle as defined in subsection (3) for a term of less than 1 year shall not be vicariously liable for noneconomic damages and is liable for the actions of the person operating the vehicle in economic damages only up to \$500,000 per incident without a showing of negligence or intentional misconduct on the part of the motor vehicle rental business. If a motor vehicle rental business chooses to purchase liability insurance coverage, this subsection does not in any way limit the duty of an insurer that provides such coverage to act in good faith under existing common and statutory law, and such an insurer is subject to full liability under the law for a breach of such duty to the same extent as if the responsibility of ownership had not been limited by this subsection.*

(2) *Notwithstanding any other provision of law, a natural person who owns a private passenger motor vehicle as defined in subsection (3) and lends it to another who is not an employee, agent, or resident relative of the owner, without compensation and for personal, noncommercial use, shall be liable for the actions of any person operating the vehicle only up to \$100,000 per person and \$300,000 per incident or the maximum limit of such owner's available insurance coverage, whichever is greater, without a showing of negligence or intentional misconduct on the part of the owner. If any such owner chooses to purchase liability insurance coverage, this subsection does not in any way limit the duty of an insurer that provides such coverage to act in good faith under existing common and statutory law, and such an insurer is subject to full liability under the law for a breach of such duty to the same extent as if the responsibility of ownership had not been limited by this subsection.*

(3) *As used in this section, the term "private passenger motor vehicle" means a motor vehicle that is not used for occupational, professional, or business purposes and includes a sedan, station wagon, jeep-type vehicle, pickup truck, panel truck, van, camper, or motor home.*

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until 2:00 p.m.

The question recurred on **Amendment 6** which was withdrawn.

Senator Dudley moved the following amendment which was adopted:

Amendment 8—On page 24, line 26, after the period (.) insert: *For purposes of this subsection, "rental company" shall only include an entity engaged in the business of renting or leasing motor vehicles to the general public, and which annually rents or leases a majority of its motor vehicles to persons with no direct or indirect affiliation with the rental company.*

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

Amendment 9 (with title amendment)—On page 28, between lines 24 and 25, insert:

Section 17. Section 768.735, Florida Statutes, is created to read:

768.735 Punitive damages; exceptions.—Sections 768.725 and 768.73(2)-(8) do not apply to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled or arising under chapter 400.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 29, after the semicolon (;) insert: creating s. 768.735, F.S.; providing that ss. 768.72, 768.725, 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action;

Senator Latvala moved the following amendment which was adopted:

Amendment 10 (with title amendment)—On page 29, lines 3-30, delete section 18 and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 6-10, delete those lines and insert: pre-suit response and settlement offer;

Senator Dyer moved the following amendment:

Amendment 11—On page 31, lines 12-14, delete those lines and insert: *shall affirmatively plead that defense in the answer.*

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

Amendment 11A—On page 1, line 17, before the period (.) insert: *absent a showing of good cause*

Amendment 11 as amended was adopted.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **CS for SB 874**, motions and announcements.

Senators Gutman, Casas, Myers, Bronson, Cowin, Williams, Sullivan, Horne, Crist, Harris and Ostalkiewicz offered the following amendment which was moved by Senator Gutman and failed:

Amendment 12 (with title amendment)—On page 31, line 25 through page 32, line 2, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 22-25, delete those lines and insert: providing

Senators Forman and McKay offered the following amendment which was moved by Senator Forman and adopted:

Amendment 13 (with title amendment)—On page 36, before line 1, insert:

Section 24. *The Department of Insurance shall issue a request for proposals and contract with an independent actuarial firm to conduct an actuarial analysis of the expected reduction in liability judgments, settlements, and related costs resulting from the provisions of this act. As part of the report, an analysis shall include an estimate of the percentage decrease by type of coverage affected by the provisions of this act, including the time period when such savings or reductions are expected. The report shall be completed and submitted to the department by March 1, 1999. Each authorized insurer issuing any of the types of coverage addressed in the analysis shall make a rate filing after March 1, 1999, but not later than October 1, 1999, that includes the premium rate reduction percentages contained in the actuarial analysis. The effective date of such premium reductions shall be consistent with the time periods contained in the actuarial analysis. The rate filing may also reflect other relevant factors, as consistent with laws or rules affecting the rate filing. If the insurer disputes the conclusions of the actuarial analysis, the insurer shall establish in an administrative, judicial, or other proceeding that the impact of this act on such insurer's type of coverage is different than the expected effects contained in the actuarial analysis.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 4, after the semicolon (;) insert: requiring that the Department of Insurance contract for an actuarial analysis of any reduction in judgments or costs resulting from the provisions of the act; requiring a report; requiring insurers to make certain rate filings;

Senator Ostalkiewicz moved the following amendment which failed:

Amendment 14 (with title amendment)—On page 35, after line 31, insert:

Section 24. (1) *An attorney shall not contract for or collect a contingency fee for representing any person seeking damages in any tort action, except where otherwise provided by statute, in excess of the following limits:*

(a) *Thirty-three percent of any award up to \$100,000; plus*

(b) *Twenty-five percent of any portion of the award between \$100,000 and \$500,000; plus*

(c) *Twenty percent of any portion of the award between \$500,000 and \$1 million; plus*

(d) *Fifteen percent of any portion of the award exceeding \$1 million.*

Parties may, by private contract, agree to contingent fee arrangements providing for attorney fees less than provided in these limits, but not greater.

(2) *The Legislature finds and declares that there is a major litigation crisis in the State of Florida. This legislation will deter attorneys from bringing frivolous suits or encouraging their clients to hold out for unreasonably high settlements. Additionally, this legislation will protect plaintiffs from having their recoveries diminished by high contingency fees.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 4, after the semicolon (;) insert: limiting contingent legal fees; providing legislative findings;

Senator Dudley moved the following amendment which was adopted:

Amendment 15—On page 18, delete line 23 and insert:

4. *"Child trespasser" means a child 12 years of age or younger who enters real property without either an express or implied invitation.*

(b) *To avoid liability to a child trespasser, in situations where the attractive nuisance doctrine would not otherwise apply, a person or organization owning or controlling an interest in real property must refrain from gross negligence or intentional misconduct and must warn the child trespasser of dangerous conditions known to the person or organization controlling an interest in real property, but which are not readily observable to others. To avoid liability to undiscovered trespassers, a*

Senator Silver moved the following amendment which was adopted:

Amendment 16 (with title amendment)—On page 23, line 23 through page 24, line 2, delete all of section 12 and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 4-9, delete those lines and insert: standards; providing exceptions; creating s. 768.099, F.S.;

Pursuant to Rule 4.19, **CS for SB 874** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION TO INTRODUCE BILL

Senator Dudley moved that the rules be waived and the following bill be introduced notwithstanding the fact that the final day had passed for introduction of bills:

A bill to be entitled An act relating to Judicial Candidate/Public Position.

The motion was referred to the Committee on Rules and Calendar.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following Special and Continuing Order Calendar for Wednesday, April 8, and Thursday, April 9, 1998: CS for CS for SB 760, SB 712, SB 762, CS for SB 874, CS for SB 1458, SB 1262, CS for SB 1202, CS for SB 1204, SB 940, CS for SB 406, SB 136, SB 222, CS for SB 176, SB 304, CS for SB 476, CS for SB 466, SB 200, CS for SB 114, SB 108, CS for SB 776, SB 928, CS for CS for SB 1046, SB 496, SB 166, CS for SB 382, CS for SB 492, CS for SB 812, SB 1058, CS for CS for SB 626, CS for SB 818, SB 1292, SB 982, SB 708, CS for SB 154, SB 892, SB 668, CS for SB 508, SB 830, SB 560, SB 540, CS for SB 178, CS for SB 550, SB 842, SB 264

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

The Committee on Community Affairs recommends the following pass: SB 1288

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1392 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1064

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 810 with 1 amendment

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

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 702 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1788 with 3 amendments

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

The Committee on Natural Resources recommends the following pass: SB 2478

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

The Committee on Judiciary recommends the following pass: SJR 1588

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Education recommends the following pass: SB 1664

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

The Committee on Children, Families and Seniors recommends the following pass: SB 1616, SB 1646 with 3 amendments

The bills were referred to the Committee on Health Care under the original reference.

The Committee on Transportation recommends the following pass: CS for HB 899 with 1 amendment

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

The Committee on Governmental Reform and Oversight recommends the following pass: SB 992 with 1 amendment

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Children, Families and Seniors recommends the following pass: SB 1876 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 864

The Committee on Community Affairs recommends the following pass: SB 1954, SB 2250 with 2 amendments

The Committee on Criminal Justice recommends the following pass: SB 84

The Committee on Education recommends the following pass: SB 656, SB 1874 with 1 amendment, SB 1912, SB 2276, SB 2534

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 962, SB 1950, CS for SB 2076 with 1 amendment, SB 2122

The Committee on Health Care recommends the following pass: SB 1940 with 1 amendment

The Committee on Natural Resources recommends the following pass: SJR 1008, SB 2354 with 2 amendments

The Committee on Regulated Industries recommends the following pass: HB 1747 with 1 amendment, SB 436

The Committee on Transportation recommends the following pass: HB 3509 with 3 amendments

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

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

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 1244

The Committee on Community Affairs recommends the following pass: CS for SB 552

The Committee on Education recommends the following pass: SB 2316

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

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 506 with 2 amendments, SB 746 with 1 amendment, SB 806, CS for SB 1408 with 1 amendment, CS for SB 1614

The Committee on Ways and Means recommends the following pass: CS for SB 268, CS for SB 334 with 1 amendment, CS for SB 386 with 1 amendment, SB 510, SB 1010 with 1 amendment, CS for SB 1088

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

The Committee on Executive Business, Ethics and Elections recommends the following not pass: SJR 816

The Committee on Governmental Reform and Oversight recommends the following not pass: SB 1020

The bills contained in the foregoing reports were laid on the table.

The Committee on Health Care recommends a committee substitute for the following: SB 1060

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

The Committee on Health Care recommends a committee substitute for the following: SB 2334

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

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 1644

The Committee on Health Care recommends a committee substitute for the following: SB 1036

The Committee on Ways and Means recommends a committee substitute for the following: SB 636

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

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1680

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

The Committee on Community Affairs recommends a committee substitute for the following: Senate Bills 1190 and 868

The Committee on Judiciary recommends a committee substitute for the following: SB 1604

The Committee on Natural Resources recommends a committee substitute for the following: SB 1322

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

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 2324

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1516

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

The Committee on Health Care recommends a committee substitute for the following: SB 2262

The Committee on Regulated Industries recommends a committee substitute for the following: SB 972

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

The Committee on Education recommends a committee substitute for the following: SB 2352

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

The Committee on Children, Families and Seniors recommends committee substitutes for the following: SB 1540, SB 1872

The Committee on Community Affairs recommends a committee substitute for the following: SB 270

The Committee on Education recommends a committee substitute for the following: SB 1840

The Committee on Judiciary recommends a committee substitute for the following: SB 1560

The Committee on Natural Resources recommends committee substitutes for the following: SB 1006, SB 1084, SB 1506, SB 2272

The Committee on Regulated Industries recommends committee substitutes for the following: SB 438, CS for SB 1704

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 2004, SB 2052

The Committee on Education recommends a committee substitute for the following: SB 1908

The Committee on Health Care recommends a committee substitute for the following: SB 248

The Committee on Judiciary recommends a committee substitute for the following: SB 544

The Committee on Natural Resources recommends a committee substitute for the following: SB 1440

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 94, CS for SB 484, SB 498, SB 570, SB 608, CS for SB 760, CS for SB 1760, CS for SB's 2156 and 1910

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

REPORTS OF SUBCOMMITTEES

The Subcommittee on Finance and Tax recommends favorably to the full Committee on Ways and Means the following: SB 300, SB 1650 with 1 amendment, SB 1746 with 1 amendment, SB 2302 with 1 amendment; and recommends committee substitutes for the following: SB 688, SB 888, SB 1018, SB 1114, SB 1608, SB 1900

John Ostalkiewicz, Chairman
Subcommittee on Finance and Tax

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Transportation recommends that the Senate confirm the appointment made by the Governor of Thomas Francis Barry, Jr., as **Secretary of Transportation**, to serve at the pleasure of the Governor.

The Committee on Transportation recommends that the Senate confirm the appointment made by the Governor of John P. Browning, Jr., for a term ending September 30, 2001, as a member of the **Florida Transportation Commission**.

The Committee on Transportation recommends that the Senate confirm the appointments made by the Governor of Mark Hulsey, for a term ending September 30, 2001, as a member of the **Jacksonville Port Authority**; Howard C. McNulty and James H. Pugh, Jr., for terms ending April 16, 2002, and Alan C. Starling, for a term ending April 16, 2000, as members of the **Greater Orlando Aviation Authority**.

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor of Eugene K. Pettis, for a term ending March 1, 2002, to the **Governing Board of the South Florida Water Management District**; Alan R. Korest and Garrett S. Richter, for terms ending March 1, 2000, as members of the **Big Cypress Basin Board of the South Florida Water Management Dis-**

trict; Julian (Jay) B. Lane, Jr., for a term ending March 1, 2001, and Daniel Rutenberg, for a term ending March 1, 2000, as members of the **Alafia River Basin Board of the Southwest Florida Water Management District;** Kingdon (King) Helie, for a term ending March 1, 2000, Leonard F. Tria, Jr. and Margaret Anne West, for terms ending March 1, 1999, as members of the **Coastal Rivers Basin Board of the Southwest Florida Water Management District;** John Phillip Griffin and Ardis L. MacKinnon, for terms ending March 1, 2000, as members of the **Hillsborough River Basin Board of the Southwest Florida Water Management District;** Barbara Barritt Romano, for a term ending March 1, 2000, as a member of the **Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District;** Robert H. Barben, Doris Marie Moore-Bailey and Edward L. Wotitzky, for terms ending March 1, 2000, as members of the **Peace River Basin Board of the Southwest Florida Water Management District;** and Ramona Moorefield Updegraff and David T. Welch, for terms ending March 1, 2000, as members of the **Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District.**

The Committee on Education recommends that the Senate confirm the appointments made by the Governor of Elizabeth G. Lindsay and Steven Joel Uhlfelder, for terms ending January 1, 2004, as members of the **Board of Regents.**

[The appointments contained in the foregoing reports were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Ways and Means; Health Care; and Senators Grant, Clary, Sullivan, Casas, Meadows, Kirkpatrick and Campbell—

CS for CS for SB 94—A bill to be entitled An act relating to health care; establishing the Prostate Cancer Task Force; providing for representation on the task force; providing responsibilities; requiring a report to the Governor and the Legislature; providing for future repeal; amending s. 240.5121, F.S.; increasing membership of the Florida Cancer Control and Research Advisory Council; requiring the council to purchase or develop a written summary of cancer treatment alternatives for prostate cancer; providing appropriations for developing or purchasing and for distributing bilingual pamphlets, and for developing and implementing education programs, on prostate cancer and breast cancer; providing an effective date.

By the Committee on Health Care and Senator Brown-Waite—

CS for SB 248—A bill to be entitled An act relating to the regulation of health care professionals; creating s. 455.569, F.S.; providing for the revocation of the licenses of health care professionals who are convicted of sexual misconduct; providing an effective date.

By the Committee on Community Affairs and Senators Childers, Dudley, Dyer, Silver, Turner, Jones, Casas, Forman, Campbell, Holzendorf, Thomas, Diaz-Balart, Gutman, Crist, Rossin, Brown-Waite, Bronson, Harris, Klein, Myers, Kurth, Meadows, McKay and Clary—

CS for SB 270—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans," "local law plans," and "fully funded"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and

"extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing an exception; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; creating ss. 175.411, 185.60, F.S.; providing that a municipality or special fire control district may opt out of a pension plan; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S., relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; providing an effective date.

By the Committee on Ways and Means; and Senators Latvala and Bronson—

CS for SB 338—A bill to be entitled An act relating to the tax on sales, use, and other transactions; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; exempting the sale of steam energy used in manufacturing; providing a threshold for electricity use; deleting a requirement that the electricity be separately metered; revising the applicability of the exemption; providing an effective date.

By the Committee on Ways and Means; and Senators Dyer, Thomas, Horne, Burt, Ostalkiewicz, Williams, Holzendorf, Dudley, Childers, Rossin, Kirkpatrick, Klein, Casas, Gutman, Meadows, Bronson, Grant, Lee and Crist—

CS for SB 434—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.051, F.S.; providing an exemption for certain facilities, devices, fixtures, equipment, machinery, and structures used for pollution prevention or control in manufacturing, processing, compounding, or producing for sale certain items of personal property; providing requirements for qualification; providing an exemption for certain machinery, equipment, or materials purchased for the monitoring, prevention, abatement, or control of pollution or contaminants at privately owned and operated solid waste management facilities; providing an effective date.

By the Committee on Regulated Industries—

CS for SB 438—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.0745, F.S.; providing for reconversion of certain permits; authorizing a daily license fee tax credit; amending s. 550.0951, F.S.; authorizing certain permitholders to transfer daily license fee tax credits to certain permitholders and to receive reimbursement for such credits; authorizing the adoption of implementing rules; revising tax rates for greyhound permitholders; amending s. 550.09514, F.S.; providing a formula for the distribution of greyhound purses; requiring greyhound permitholders to produce weekly purse payment reports; requiring greyhound permitholders to make direct payment of purses to greyhound owners based on certain amounts; amending s. 550.155, F.S.; revising approval requirements with respect to capital improvements; amending s. 849.086, F.S.; providing for municipal approval of cardrooms and distribution of pari-mutuel wagering trust funds; providing effective dates.

By the Committees on Ways and Means; and Health Care—

CS for CS for SB 484—A bill to be entitled An act relating to public assistance; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; prescribing guidelines for Medicaid payment of Medicare deductibles and coinsurance; eliminating a prohibition on specified contracts; repealing redundant provisions; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; amending s. 409.9122, F.S.; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified ratio of enrollees; amending s. 409.910, F.S.; providing for the distribution of amounts recovered in certain tort suits involving intervention by the Agency for Health Care Administration; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 198.30, F.S.; requiring that each circuit judge provide a report of decedents to the Agency for Health Care Administration; amending s. 154.504, F.S.; providing certain restrictions on the use of copayments by public health facilities; creating ss. 381.0022, 402.115, F.S.; authorizing the Department of Health and the Department of Children and Family Services to share certain confidential information; amending s. 414.028, F.S.; providing for a representative of a county health department or Healthy Start Coalition to serve on the local WAGES coalition; amending s. 766.101, F.S.; redefining the term “medical review committee” to include a committee of the Department of Health; amending s. 383.04, F.S.; revising the requirements for the prophylactic to be used for the eyes of infants; repealing s. 383.05, F.S., relating to the free distribution of such prophylactic; providing an effective date.

By the Committee on Ways and Means; and Senators Sullivan, Latvala, Brown-Waite, Dudley, Grant, Casas, Kirkpatrick, Bronson, Dyer, Thomas, Kurth, Harris and Ostalkiewicz—

CS for SB 498—A bill to be entitled An act relating to tax administration; creating s. 213.285, F.S.; authorizing the Department of Revenue to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; providing rulemaking authority for the Department of Revenue; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audits project; providing an appropriation and authorizing positions within the department; providing an effective date.

By the Committee on Judiciary and Senator Dyer—

CS for SB 544—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; prohibiting the commingling of certain funds; amending s. 617.307, F.S.; revising provisions with respect to the transition of homeowners' association control in a community; providing a list of required documents that must be provided to the board by the developer; creating s. 617.3075, F.S.; providing for prohibited clauses in homeowners' association documents; amending s. 689.26, F.S.; revising provisions with respect to disclosure to prospective purchasers; requiring certain information to be included in disclosures; providing an effective date.

By the Committee on Ways and Means; and Senator Dudley—

CS for SB 570—A bill to be entitled An act relating to assessments on health care entities; amending s. 395.701, F.S.; exempting outpatient radiation therapy services provided by certain hospitals from the annual assessment on net operating revenues of such hospitals; amending s. 395.7015, F.S.; exempting freestanding radiation therapy centers from the annual assessment on net operating revenues of certain health care entities; revising the assessment; providing an effective date.

By the Committee on Ways and Means; and Senator Ostalkiewicz—

CS for SB 608—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the United States Internal Revenue Code for purposes of the corporate income tax; amending s. 220.02, F.S.; providing legislative intent regarding taxation of a “qualified subchapter S subsidiary;” amending s. 220.22, F.S.; requiring certain returns; providing for retroactive effect; providing an effective date.

By the Committee on Ways and Means; and Senators Ostalkiewicz, Lee, Myers, Cowin, Grant and Latvala—

CS for SB 636—A bill to be entitled An act relating to taxation of homes for the aged; amending s. 196.1976, F.S.; providing that the provisions of s. 196.1975, F.S., relating to the ad valorem tax exemption for nonprofit homes for the aged, are severable, rather than nonseverable; creating s. 196.1977, F.S.; providing an exemption for each apartment in certain continuing care facilities occupied by a person who makes the apartment his or her permanent home and who is not eligible for homestead exemption; providing procedures and requirements; providing legislative intent; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators Harris and Klein—

CS for CS for SB 760—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; revising the reporting requirements of the Office of Tourism, Trade, and Economic Development relating to permits and rules; authorizing the Office of Tourism, Trade, and Economic Development to coordinate establishment of a one-stop permit registry; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending ss. 212.097 and 212.098, F.S.; clarifying the definition of a “new business” under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program; providing that certain call centers or similar customer service operations are eligible businesses under these programs; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.075, F.S.; specifying that the prohibition against contracting with entities that have requested confidentiality concerning certain economic development information does not apply to a public officer or employee or an economic development agency employee acting in his or her official capacity; amending s. 288.095, F.S.; establishing a cap on the total amount of the state share of tax refunds which may be approved for a single fiscal year under the tax refund programs for qualified defense contractors, qualified target industry businesses, and brownfield redevelopment; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; amending s. 288.106, F.S.; authorizing a reduced employment threshold for expanding businesses in certain rural areas or enterprise zones under the tax refund program for qualified target industry businesses; amending s. 288.1221, F.S.; conforming legislative intent on the time period covered by a tourism promotion marketing plan to the time period covered by the marketing plan prepared by the Florida Commission on Tourism under s. 288.1224, F.S.; amending s. 288.1222, F.S.; revising the definition of “tourist” to clarify that the term applies

to a person participating in trade or recreation activities outside the county of permanent residence; amending s. 288.1223, F.S.; eliminating an historical reference to the first meeting of the Florida Commission on Tourism; providing that the commission shall meet at least quarterly; providing that the commission shall elect a vice chairman annually; providing legislative findings and intent on the potential economic development benefits of ecotourism; authorizing the Division of Recreation and Parks of the Department of Environmental Protection, subject to legislative appropriation, to establish an ecotourism promotion program; providing for eligible uses of funds under such program; authorizing funds to be used to award ecotourism promotion grants; prescribing grant application procedures and eligible uses of grant awards; amending s. 479.261, F.S.; expanding the logo sign program to include certain heritage, historic, or scenic trails; amending s. 288.90151, F.S.; revising the matching private funding requirements for Enterprise Florida, Inc.; providing for partial release of funds placed in reserve under specified circumstances; amending s. 288.9618, F.S.; limiting the amount of appropriations for the microenterprise program that may be used for administrative expenses; creating s. 288.9958, F.S.; establishing the PRIDE Job Placement Incentive Program; directing Enterprise Florida, Inc., to examine the current and potential economic development contribution of the biotechnology industry and other health technology industries to this state; requiring Enterprise Florida, Inc., to report to the Legislature on findings and recommendations; providing for designation of an enterprise zone that encompasses a brownfield project under certain circumstances; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; amending s. 414.25, F.S.; extending the expiration date; providing an effective date.

By the Committee on Regulated Industries and Senator Dudley—

CS for SB 972—A bill to be entitled An act relating to condominiums; amending s. 718.111, F.S.; requiring adequate insurance or fidelity bonding to cover funds in the custody of an association; providing for financial reporting requirements; providing for the commingling of reserve and operating funds; amending s. 718.112, F.S.; amending procedures for elections; amending procedures for recall of board members; amending procedures for mailing of notices; amending procedures for annual budgets; eliminating a 2-year exemption for developers on reserve funds; deleting fidelity bonding requirements; amending s. 718.115, F.S.; providing procedures that allocate cable television services as a common expense; amending ss. 718.503, 718.504, F.S.; requiring disclosure of financial information; providing an effective date.

By the Committee on Natural Resources—

CS for SB 1006—A bill to be entitled An act relating to water quality; directing the Department of Health to conduct a study to identify the role of onsite sewage treatment and disposal systems on water quality; providing for a report; requiring the Department of Environmental Protection to adopt rules for determining which waters are nutrient-impaired; providing criteria for rulemaking; amending s. 403.1835, F.S.; providing a priority for funding from the sewage treatment facilities revolving loan program for facilities located within the geographic area encompassed by a plan adopted pursuant to s. 373.456, F.S.; providing that the sewage treatment facilities revolving loan program is to be self-perpetuating; authorizing the Department of Environmental Protection to sell or pledge loans from the Sewage Treatment Revolving Loan Fund, with approval from the Board of Administration; providing for the employment of experts; providing for the use and deposit of proceeds from the sale of loans; amending s. 403.804, F.S.; providing for calculating maximum load for certain constituents for a specific watercourse and water body; requiring the Secretary of Environmental Protection to approve the maximum load calculation after notice of agency action pursuant to ch. 120, F.S., and limiting the point of entry for a challenge to the calculation; authorizing the department to adopt rules establishing pro-

cedures for pollutant trading in areas where a maximum load calculation has been approved; creating s. 514.095, F.S.; authorizing the Department of Health to adopt rules for bacteriological sampling of beach waters and issue health advisories; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite and Latvala—

CS for SB 1036—A bill to be entitled An act relating to emergency management planning; amending s. 20.43, F.S.; defining responsibilities of the county health departments in providing assistance to local special needs units or shelters; authorizing the Department of Health to adopt rules; amending s. 252.355, F.S.; revising provisions relating to registration of persons requiring special needs assistance in emergencies; amending ss. 400.497 and 400.610, F.S.; providing minimum requirements for home health agency and hospice comprehensive emergency management plans; providing for plan review by the local emergency management agency and other specified entities; requiring the adoption of rules establishing plan components and standards for care and services to be provided in emergency evacuation and sheltering; providing for certain exemptions; amending s. 408.15, F.S.; authorizing the Agency for Health Care Administration to establish certain standards of care; creating a special needs shelter interagency committee within the Department of Community Affairs; providing committee tasks; requiring reports; providing an effective date.

By the Committee on Health Care and Senator Silver—

CS for SB 1060—A bill to be entitled An act relating to health facilities authorities; amending s. 154.209, F.S.; authorizing authorities to finance certain accounts receivables; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1084—A bill to be entitled An act relating to marine fisheries; amending s. 370.01, F.S.; redefining the terms "closed season" and "nonresident alien" and alphabetizing definitions; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators' licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; amending s. 370.026, F.S.; deleting obsolete references to commissioners' terms; amending s. 370.0605, F.S.; authorizing agents of the Game and Fresh Water Fish Commission to enforce provisions relating to licenses; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.12, F.S.; relating to protection of mammalian dolphins; amending s. 370.1405, F.S.; relating to reporting requirements for crawfish wholesalers and retailers; amending s. 370.25, F.S.; clarifying criminal, civil, and administrative penalties; repealing s. 370.015, F.S., relating to obsolete Suwannee River Authority; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.092(3) and (4), F.S., relating to penalties on use of proscribed nets; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.12(4), F.S.; related to manta rays; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s.

370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing section 370.1611, F.S., relating to an oyster depuration plant; providing an effective date.

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

CS for SB's 1190 and 868—A bill to be entitled An act relating to a statewide unified building code; amending ss. 468.621, 471.033, 481.225, 481.2251, 481.325, 489.127, 489.129, 489.533, F.S.; specifying additional activity as subject to disciplinary action; authorizing certain boards to impose certain penalties under certain circumstances; amending s. 471.005, F.S.; revising a definition; amending s. 471.015, F.S.; deleting eligibility for engineering licensure for certain persons; amending ss. 468.609, 468.627, 471.017, 481.215, 481.313, 489.115, 489.1455, 489.5335, F.S.; requiring certificateholders, licensees, or registrants to prove completion of certain education requirements relating to the Florida Building Code; providing certain core curriculum or continuing education requirements for certain license, certificate, or registration renewals; authorizing certain licensing boards to require certain specialized or advanced education courses; creating s. 455.2286, F.S.; requiring the Department of Business and Professional Regulation to implement an automated information system for certain purposes; amending s. 489.103, F.S.; exempting certain residential structures from certain construction contracting requirements; amending s. 489.117, F.S.; clarifying certain information provision requirements for local jurisdictions relating to specialty contractor licensure and discipline; amending s. 489.513, F.S.; requiring local jurisdictions to provide certain information to certain licensing boards; requiring such boards to maintain and provide such information through an automated information system; providing for local responsibility for imposing certain disciplinary action; authorizing imposition of penalties by ordinance; amending s. 489.517, F.S.; requiring certificateholders or registrants to provide proof of completion of certain education courses; authorizing the electrical contractors' licensing board to require certain education courses; amending s. 489.531, F.S.; providing penalties for certain violations of the Florida Building Code; amending s. 553.06, F.S.; authorizing the Florida Building Commission to adopt the State Plumbing Code; amending s. 553.19, F.S.; requiring the commission to adopt certain electrical standards as part of the Florida Building Code; amending s. 553.71, F.S.; revising certain definitions; renaming the Board of Building Codes and Standards as the Florida Building Commission; amending s. 553.72, F.S.; revising legislative intent; amending s. 553.73, F.S.; providing for adoption of the Florida Building Code to replace the State Minimum Building Codes; providing for legislative approval; providing purposes; requiring the Florida Building Commission to adopt the code; providing requirements and criteria for the code; providing for resolution of conflicts between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code; providing requirements; providing for local technical amendments to the code; providing procedures and requirements; providing limitations; requiring counties to establish compliance review boards for certain purposes; providing requirements; authorizing local governments to adopt amendments to the code; providing requirements; providing procedures for challenges by affected parties; providing for appeals; requiring the commission to update the code periodically; authorizing the commission to adopt technical amendments to the code under certain circumstances; providing requirements; providing for exempting certain buildings, structures, and facilities from the code; specifying nonapplication of the code under certain circumstances; prohibiting administration or enforcement of the code for certain purposes; amending s. 553.74, F.S.; replacing the State Board of Building Codes and Standards with the Florida Building Commission; providing for additional membership; providing for continuation of terms of existing board members; amending ss. 553.75, 553.76, 553.77, F.S., to conform; providing additional powers of the commission; requiring commission staff to attend certain meetings; requiring the commission to develop and publish descriptions of roles and responsibilities of certain persons; authorizing the commission to provide plans review and approval of certain public buildings; creating s. 553.781, F.S.; providing for licensee accountability; authorizing local jurisdictions to impose fines and order certain disciplinary action for certain violations of the Florida Building Code; providing for challenges to such actions; requiring the Department of Business and Professional Regulation and local jurisdictions to report such disciplinary actions; providing for disposition and use of such fines; providing construction; amending s. 553.79, F.S., to conform; providing for local government enforcement of the Florida Building Code under

certain circumstances; amending s. 553.80, F.S.; authorizing certain reinspection fees under certain circumstances; creating s. 553.841, F.S.; providing for establishing a building code training program; providing requirements; providing criteria; authorizing the Florida Building Commission to enter into contracts for certain purposes; requiring the assistance and participation of certain state agencies; creating s. 553.842, F.S.; providing for a system for product evaluation and approval; providing requirements; providing procedures; providing for challenging, review, and appeal of certain evaluations; authorizing the commission to charge fees for certain certifications and reviews; providing exceptions; amending s. 633.01, F.S.; authorizing the Department of Insurance to issue binding interpretations of certain firesafety codes; creating s. 633.0215, F.S.; requiring the Department of Insurance to adopt certain fire prevention and life safety codes; providing requirements; providing for temporary effect of local amendments to such codes; providing procedures for adopting or rescinding local amendments to such codes; requiring the department to update such codes periodically; providing for technical amendments to such codes; providing exceptions to application of such codes for certain purposes; amending s. 633.025, F.S.; specifying adoption by local jurisdictions of certain firesafety codes; authorizing local jurisdictions to adopt more stringent firesafety standards under certain circumstances; providing procedures; providing limitations; deleting obsolete provisions; amending s. 633.085, F.S.; clarifying certain inspection duties of the State Fire Marshal; amending s. 633.72, F.S.; specifying cooperation between the Florida Fire Code Advisory Council and the Florida Building Commission under certain circumstances; requiring administrative staff of the State Fire Marshal to attend certain meetings and coordinate efforts for consistency between certain codes; amending ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 489.127, 489.131, 489.537, 500.459, 553.18, and 627.351, F.S., to conform; requiring the Florida Building Commission to submit the Florida Building Code to the Legislature for approval; requiring the commission to recommend changes to the law to conform to adoption of the Florida Building Code; providing for future repeal of local amendments to certain building codes; providing for readoption; requiring the Department of Management Services to conduct a pilot project to study the effects of installing an ozonation water treatment system for a cooling tower on state buildings; requiring a report to the Legislature; repealing s. 471.003(2)(f), F.S., relating to engineering faculty exemption from registration requirements; repealing s. 489.539, F.S., relating to adoption of electrical standards; repealing s. 553.73(5), F.S., relating to a presumption of compliance with certain building code requirements; providing for future repeal of s. 489.120, F.S., relating to an automated information system; providing for future repeal of s. 489.129(1)(d), F.S., relating to disciplinary action for knowing violations of building codes; providing for future repeal of parts I, II, and III of ch. 553, F.S., relating to the Florida Plumbing Control Act, the Florida Electrical Code, and glass standards; providing effective dates.

By the Committee on Natural Resources and Senator Rossin—

CS for SB 1322—A bill to be entitled An act relating to state property owned by the Game and Fresh Water Fish Commission; transferring certain described property from the state to Palm Beach County; providing a contingency; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1440—A bill to be entitled An act relating to rulemaking authority with respect to marine resources (RAB); amending s. 370.06, F.S.; authorizing rulemaking for issuance of special-activities licenses; amending s. 370.08, F.S.; authorizing the adoption of rules defining food fish; amending s. 370.12, F.S.; authorizing rulemaking for issuance of special permits for conservation of marine turtles; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 1506—A bill to be entitled An act relating to marine resources; amending s. 253.72, F.S.; providing restrictions for certain areas for harvesting shellfish; amending s. 370.06, F.S.; providing an exemption for totally disabled residents for a restricted species endorsement; providing qualifications for the issuance of a marine life endorse-

ment on a saltwater products license; providing for a moratorium on the issuance of endorsements; providing for the transfer and reissuance of endorsements; providing for a report; amending s. 370.0608, F.S.; revising the distribution of funds collected from the sale of recreational saltwater fishing licenses; amending s. 370.092, F.S.; providing specific rule-making authority for the regulation of nets on boats of a specific length; directing the Marine Fisheries Commission to adopt rules prohibiting the possession and sale of mullet taken in illegal gill or entangling nets; providing a penalty for violations; amending s. 370.093, F.S.; authorizing the Marine Fisheries Commission to adopt rules implementing s. 370.093, F.S.; amending s. 370.142, F.S.; providing for a surcharge to be assessed upon the initial transfer of a transferable crawfish trap certificate outside the original transferor's immediate family; prohibiting the lease of lobster trap certificates after July 1, 1998; providing additional penalties for violations relating to traps; providing for the continuation of the Marine Fisheries Commission notwithstanding its scheduled abolition; amending s. 370.13, F.S.; restricting the issuance of stone crab trap numbers until July 1, 2000; providing for renewal under certain circumstances; amending s. 370.135, F.S.; restricting the issuance of new blue crab endorsements for a certain period of time; providing for renewal or replacement under certain circumstances; amending s. 370.021, F.S.; providing additional penalties for violations involving buying saltwater products from an unlicensed seller or the sale of saltwater products by an unlicensed seller; authorizing the suspension, revocation, or denial of renewal of licenses for specified major violations involving finfish, shrimp, marine life species, crawfish, stone crabs, and blue crabs; requiring clerks of courts to certify the final disposition of specified court proceedings to the Department of Environmental Protection; amending s. 370.07, F.S.; authorizing the sharing of wholesale saltwater products dealer reports with other states under specified conditions; providing civil penalties for violation of recordkeeping and reporting requirements; prohibiting a licensed retail dealer or a licensed restaurant from buying saltwater products from any person other than a licensed wholesale or retail dealer; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permits; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.135(2) and (3), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), and (e) and (5)(b) and (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing s. 370.1127, F.S., relating to mullet regulation west of the Ochlockonee River; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Turner—

CS for SB 1516—A bill to be entitled An act relating to environmental equity and justice; creating s. 760.854, F.S.; creating the Center for Environmental Equity and Justice; providing purpose of the center; providing an effective date.

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

CS for SB 1540—A bill to be entitled An act relating to children and families; creating s. 39.5085, F.S.; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; naming a service center building; providing an effective date.

By the Committee on Judiciary and Senators Cowin and Dudley—

CS for SB 1560—A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.29, F.S., relating to judicial nominating commissions; deleting requirement that three members of each commission be appointed by the six other members; providing for appointment by the Attorney General of three members to each commission; providing that racial and gender diversity should be considered in selecting commission members; providing that the membership should reflect the geographic diversity of the territorial jurisdiction of the commission when feasible; providing an effective date.

By the Committee on Ways and Means; and Senator McKay—

CS for SB 1564—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; amending the exemption for machinery and equipment used in silicon technology production and research and development; deleting the requirement that the exemption be accomplished through the refund of taxes that were previously paid; deleting the provision that the refund is subject to a specific annual legislative appropriation; providing an effective date.

By the Committee on Judiciary and Senator Harris—

CS for SB 1604—A bill to be entitled An act relating to county clerks; creating the "County Clerks Public Records Access Act"; requiring the clerks to publish certain public records and public information on the Internet; providing for security; providing a declaration of an important state interest; providing an effective date.

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

CS for SB 1644—A bill to be entitled An act relating to child care facilities; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; providing an effective date.

By the Committee on Regulated Industries and Senator Lee—

CS for SB 1680—A bill to be entitled An act relating to alcohol and tobacco sales; amending s. 562.11, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of alcoholic beverages to certain minors; amending s. 562.45, F.S.; providing restrictions on locations for on-premises consumption of alcoholic beverages; amending s. 567.01, F.S.; providing for local-option elections to determine sales of intoxicating liquors, wines, or beer by the drink; amending s. 567.06, F.S.; providing ballot instructions for local-option elections; amending s. 567.07, F.S.; providing for a local option election for sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises; amending ss. 569.002 and 569.101, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of tobacco products to certain minors; amending s. 569.11, F.S.; specifying times within which community service or fines are satisfied; providing effective dates.

By the Committees on Regulated Industries, Community Affairs and Senators Bronson, Silver, Holzendorf, Meadows, Turner, Gutman, Harris and Myers—

CS for CS for SB 1704—A bill to be entitled An act relating to use of rights-of-way by telecommunications companies; amending s.

337.401, F.S.; limiting taxes, fees, or charges imposed by municipalities for use of rights-of-way; limiting local government authority to regulate certain matters within the jurisdiction of the Florida Public Service Commission or the Federal Communications Commission; prohibiting requiring telecommunications companies from obtaining additional consent to use certain rights-of-way under certain circumstances; providing construction; providing application; providing a definition; providing an effective date.

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

CS for CS for SB 1760—A bill to be entitled An act relating to unemployment compensation; amending s. 1, ch. 97-29, Laws of Florida; extending for an additional year a temporary reduction in certain contribution rates for specified employers; amending 443.101, F.S.; clarifying provisions relating to disqualification for benefits; amending s. 443.111, F.S.; extending for an additional year a temporary increase in the maximum weekly and yearly benefit amounts for unemployment compensation benefits; specifying benefit years; amending s. 443.036, F.S.; providing an alternative base period to be used in calculating benefits in specified circumstances; providing an effective date.

By the Committee on Education and Senators Grant, Latvala, Meadows, Dyer, Lee, Forman and Dudley—

CS for SB 1840—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising credit requirements for high school graduation; creating s. 233.0616, F.S.; encouraging elementary schools and middle schools to implement personal fitness programs and providing for the allocation of funds; providing for the allocation of funds for upgrading a physical education specialist position in the Department of Education; providing effective dates.

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

CS for SB 1872—A bill to be entitled An act relating to adult family-care homes; amending ss. 400.616, 400.617, 400.618, 400.619, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, and 400.629, F.S., and creating s. 400.6194, F.S.; revising legislative intent and purpose; revising definitions; requiring adult family-care home providers to meet certain screening requirements; revising requirements for licensure application and renewal; providing a late renewal fee; revising grounds for denial, suspension, or revocation of a license; revising requirements for rules relating to appropriate placement of residents; revising provisions relating to injunctive relief; requiring certain information to be provided to residents' legal representatives; conforming terminology, references, and cross-references; amending s. 419.001, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Education and Senator Dyer—

CS for SB 1908—A bill to be entitled An act relating to district school board elections; providing for a referendum in certain counties with respect to the composition and manner of electing the school board; requiring affected school boards to provide an orderly transition to a school board so composed if approved by the electors; providing an effective date.

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

CS for SB 2004—A bill to be entitled An act relating to the Viatical Settlement Act; amending s. 626.9911, F.S.; modifying definitions used in the act and adding a definition of related provider trust; amending s. 626.9913, F.S.; requiring viatical settlement providers to file certain information with the Department of Insurance; specifying applicability

of fee and deposit requirements; amending s. 626.9914, F.S.; specifying liability of a viatical settlement provider for a related provider trust; amending s. 626.9921, F.S.; requiring certain providers to file notice with the department; providing an effective date.

By the Committee on Banking and Insurance; and Senator Diaz-Balart—

CS for SB 2052—A bill to be entitled An act relating to insurance; amending s. 627.7295, F.S.; authorizing certain fees to be collected by general lines agents; amending s. 627.736, F.S.; prohibiting a provider's statement of charges from including certain charges for services covered by personal injury protection benefits; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying requirements for arbitration; prescribing forms for submission of medical services; specifying payment time limitations; specifying where an independent medical examination of a claimant may be conducted; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Horne and Dyer—

CS for CS for SB's 2156 and 1910—A bill to be entitled An act relating to education; creating s. 236.08106, F.S., relating to the Excellent Teaching Program; providing legislative findings and intent; authorizing monetary incentives and bonuses for teaching excellence; providing for annual allocations to districts; providing fee subsidies and conditions for repayment of subsidies for participating in the certification program of the National Board of Professional Teaching Standards; requiring the distribution of certain monetary bonuses to teachers; providing eligibility criteria; requiring release time for certain activities; requiring certain district expenditures for professional development of teachers; amending s. 236.081, F.S.; authorizing categorical funding for the Excellent Teaching Program; amending s. 231.173, F.S., relating to certification of experienced out-of-state teachers and administrators; deleting a requirement for superintendents to request certification; providing for issuance of a professional certificate to individuals certified by the National Board of Professional Teaching Standards; conforming provisions; amending s. 231.24, F.S.; authorizing renewal of certificates through national certification; providing an effective date.

By the Committee on Health Care and Senator Myers—

CS for SB 2262—A bill to be entitled An act relating to human immunodeficiency virus testing; amending s. 381.0035, F.S.; requiring certain information related to HIV testing and counseling to be included in HIV educational courses; amending s. 381.004, F.S.; requiring informed consent before an HIV test may be ordered; requiring certain information to be provided when informed consent is sought; providing requirements with respect to notification and release of test results; authorizing certain disclosures of test results; providing for court orders for testing in specified circumstances; providing for emergency action against a registration; providing requirements for model protocols; providing penalties; amending s. 384.25, F.S.; deleting provisions relating to protocols and to notification to school superintendents; amending s. 455.604, F.S.; requiring certain information related to HIV testing to be included in HIV educational courses for certain licensed professions; providing an effective date.

By the Committee on Natural Resources and Senator McKay—

CS for SB 2272—A bill to be entitled An act relating to red tide research and mitigation; establishing a Harmful-Algal-Bloom Task Force; providing for task force membership and duties; providing legislative intent; providing program goals; providing criteria for procurement of contractual services; providing an appropriation; providing an effective date.

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

CS for SB 2324—A bill to be entitled An act relating to the Long-Term-Care Community Diversion Pilot Project; amending s. 430.705, F.S.; providing for choice, to the extent possible, of long-term-care service providers affiliated with an individual's religious faith or denomination; providing an effective date.

By the Committee on Health Care and Senator Myers—

CS for SB 2334—A bill to be entitled An act relating to children's mental health services and substance abuse services; transferring responsibility for such services from the Department of Children and Family Services to the Department of Health; amending s. 230.2317, F.S.; providing for membership of the Advisory Board for the Multiagency Service Network for Students with Severe Emotional Disturbances; amending s. 394.455, F.S.; redefining the term "department" for purposes of the Florida Mental Health Act, to include both the Department of Children and Family Services and the Department of Health; amending s. 394.67, F.S.; redefining the term "department" for purposes of community alcohol, drug abuse, and mental health services to include both the Department of Children and Family Services and the Department of Health; creating s. 394.91, F.S.; providing for alcohol, drug abuse, and mental health services responsibilities for the Department of Health; amending s. 397.311, F.S.; redefining the term "department" for purposes of alcohol and drug abuse services; amending s. 561.121, F.S.; providing for deposit of certain revenues into the Children and Adolescents Substance Abuse Trust Fund; amending s. 984.225, F.S.; providing for placement of children in need of services; amending s. 985.06, F.S.; providing membership of the interagency workgroup for youth in the juvenile justice system; amending s. 985.21, F.S.; requiring employees and agents of the Department of Health to cooperate with case managers of the Department of Juvenile Justice; amending s. 985.223, F.S.; providing responsibilities of the Department of Health with respect to incompetency evaluations of children alleged to be delinquent; providing for a committee to recommend to the Department of Children and Family Services and the Department of Health the most efficient ways to accomplish the transfer of responsibility relating to children's mental health services and children's substance abuse services; providing an effective date.

By the Committee on Education and Senator Horne—

CS for SB 2352—A bill to be entitled An act relating to trust funds; creating the Florida School District Review Trust Fund to be administered by the Office of Program Policy Analysis and Government Accountability; directing the office to use the fund to pay the cost of best financial management practice reviews; providing for refunds to school districts; amending s. 230.23025, F.S.; providing for the deposit of funds from school districts; providing a contingent effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Education Practices Commission Appointee: Williams, Grace A., Jacksonville	09/30/2001
Withlacoochee Regional Planning Council, Region 5 Appointee: Maxey, Warnell B., Ocala	10/01/2000
East Central Florida Regional Planning Council, Region 6	

Office and Appointment

For Term Ending

Appointee: Arrington, Dale V., DeLand	10/01/1999
Central Florida Regional Planning Council, Region 7	
Appointee: Jones, Mary E., Fort Meade	10/01/2000
Florida Commission on Veterans' Affairs	
Appointee: Sullivan, Hulan M., Clearwater	11/16/1998
[Referred to the Committee on Executive Business, Ethics and Elections.]	
Governing Board of the Southwest Florida Water Management District	
Appointee: Menendez, Brenda, Tampa	03/01/2002
Hillsborough River Basin Board of the Southwest Florida Water Management District	
Appointee: Baker, Julie Ansley, Brooksville	03/01/1998
[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 188, SB 230 and SB 288.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

SB 112 and SB 348 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 3, 1998.

SB 8, SB 22, SB 26, SB 30, SB 32, SB 34, SB 36, SB 40, SB 52, SB 54, SB 56, SB 60 and SB 70 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 6, 1998.

Faye W. Blanton, Secretary

JOINT SELECT COMMITTEE APPOINTED

The Honorable Faye W. Blanton
Secretary of the Senate April 6, 1998

The Honorable John B. Phelps
Clerk of the House of Representatives

Dear Madam Secretary and Mr. Clerk:

Pursuant to Section 11.14(4), Florida Statutes, we have created the Joint Select Committee on Collective Bargaining.

The Senators appointed to serve on the joint committee are: Senator Charles Williams, Co-Chair; Senator George Kirkpatrick; and Senator Tom Lee.

The Members of the House of Representatives appointed to serve are: Representative Al Lawson, Co-Chair; Representative Bill Posey; and Representative Ken Pruitt.

Sincerely,

Toni Jennings
President of the Senate

Daniel Webster
Speaker of the House

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 2 was corrected and approved.

CO-SPONSORS

Senators Campbell—CS for SB 94; Casas—CS for SB 1498; Forman—SB 1072; Geller—SB 882; Hargrett—CS for SB 666, CS for SB 1456; Klein—SB 1770; Meadows—CS for SB 1498; Williams—SB 1192

Senator Campbell was recorded as prime sponsor of SB 76.

Senator Clary withdrew as a co-sponsor of SB 1552.

RECESS

On motion by Senator Bankhead, the Senate recessed at 2:33 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:45 a.m., Thursday, April 9.

SENATE PAGES

April 6-10

Jamais Atkinson, Tarpon Springs; Adam Bender, Boca Raton; Stephanie Crowe, Live Oak; Robert C. Curtis, Stuart; Eva Louise Ebbeson, Longboat Key; Lauren Kaplan, Boca Raton; Alissa Koerner, Jupiter; Michael D. Levinson, Boca Raton; David R. Levitt, Seminole; Robert (Bobby) E. Long, Jr, Havana; Justin Moore, Seminole; Anthony (Tony) Moreland, Sarasota; Joshua John Ostalkiewicz, Windermere; Jean-Paul Renaud, Miami; Jennifer Dianne Rice, Green Cove Springs; Austin Shipes, Paisley; Melissa Szwanke, North Miami Beach; Jennifer (Jenni) J. Triolo, Satellite Beach; Barrett K. Tryon, Sarasota; Melissa Walker, Dunedin