



# Journal of the Senate

Number 20—Regular Session

Friday, April 24, 1998

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## CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—34:

Madam President	Cowin	Horne	Myers
Bankhead	Crist	Kirkpatrick	Ostalkiewicz
Bronson	Dudley	Klein	Rossin
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Thomas
Campbell	Geller	Laurent	Turner
Casas	Grant	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	

Excused: Senator Jones

## PRAYER

The following prayer was offered by Rhett O'Doski, Legislative Assistant to Senator Williams:

Our gracious Heavenly Father, we pause at the start of another busy day to ask your blessing upon the elected men and women who serve the citizens of Florida. For those who have the awesome responsibility to make decisions that will greatly affect the future of our state, we ask that you provide us wisdom, patience, courage, and most of all—brevity.

Lord, help us maintain a genuine spirit of cooperation, collegiality, dignity and respect for honest differences of opinion, for we are all here with a sincere desire to be your humble servants. Let us not trifle with selfish motives, but remember we are here for a higher purpose—to better our cities, our state and this great nation we call our own.

Finally, we ask that you guide us with your loving hand and bless us in the proceedings of the day. In your blessed name we pray. Amen.

## PLEDGE

Senate Pages Richie Robinson of Tampa and Lisa Vinson of St. Petersburg, led the Senate in the pledge of allegiance to the flag of the United States of America.

## ADOPTION OF RESOLUTIONS

At the request of Senator Forman—

By Senator Forman—

**SR 838**—A resolution recognizing May 18 to May 24, 1998, as child, domestic, and elder abuse awareness week.

WHEREAS, residents of this state should have a safe home environment in which to live, and

WHEREAS, many children, spouses, and elders living in this state are subjected to abuses, both physical and mental, which drastically reduce the quality of their life, and

WHEREAS, child, domestic, and elder abuse is increasing both within this state and nationally, and

WHEREAS, the Florida Senate recognizes the needs of children, spouses, and elders, and the detrimental effects of abuse and wishes to emphasize the plight of victims of child, domestic, and elder abuse in the state, who are in need of help, NOW, THEREFORE,

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

That May 18 to May 24, 1998, is recognized as child, domestic, and elder abuse awareness week.

—**SR 838** was introduced, read and adopted by publication.

At the request of Senator Rossin—

By Senator Rossin—

**SR 858**—A resolution honoring youths 15 years of age and older who are in foster care and honoring the State Youth Advisory Board of the Department of Children and Family Services.

WHEREAS, youths who enter the foster care system have not experienced the benefit of traditional family support and values that come with a stable family background, and frequently there is a stigma associated with being in foster care which creates the perception that youths in foster care are different from other young people or are to blame for their circumstances, and

WHEREAS, the Independent Living Program of the Department of Children and Family Services has been in existence for over 11 years and has proven to be a highly effective program in assisting youths who are in foster care to become independent of the welfare system, and

WHEREAS, youths who complete the Independent Living Program go on to work and live in their communities as taxpaying citizens who contribute to the state's economy, and

WHEREAS, youths who do not complete the Independent Living Program are more likely to become homeless, more likely to commit crimes, and more likely to continue to depend on the welfare system, and

WHEREAS, there are currently 2,919 youths in foster care who are between the ages of 15-21 and are eligible for the Independent Living Program, and

WHEREAS, the National Resource Center for Youth Services, University of Oklahoma, has named the Florida Department of Children and Family Services as having the most successful state youth board in the nation, and

WHEREAS, the National Resource Center for Youth Services has requested that the Department of Children and Family Services provide other states with access to its expertise in working with state youth boards, NOW, THEREFORE,

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

That the Florida Senate hereby honors the state's youths who are in foster care and, specifically, the State Youth Advisory Board for their role in serving as a bridge between the system and children in foster care.

—**SR 858** was introduced, read and adopted by publication.

At the request of Senator Kurth—

By Senator Kurth—

**SR 2472**—A resolution recognizing the month of January 1999 as Amelia Earhart Month.

WHEREAS, Amelia Earhart was an internationally renowned aviator when she disappeared in 1937, and

WHEREAS, Amelia Earhart was the first woman transatlantic air passenger in 1928, the first woman to fly solo across the Atlantic, and the first woman to be awarded the United States Distinguished Flying Cross, and

WHEREAS, Amelia Earhart encouraged women to expand their horizons by exploring occupations and holding positions beyond those traditionally held by women, and

WHEREAS, Amelia Earhart was a beloved member of Zonta International before she was lost in the Pacific Ocean while attempting to circle the globe by air in 1937, and

WHEREAS, in 1938, one year after her disappearance, Zonta International established its annual graduate fellowships in aerospace-related sciences and engineering, in honor of Amelia Earhart, and

WHEREAS, Zonta International fellowships are open to women of any nationality, and grants may be used in any institution offering fully accredited graduate courses and degrees in aerospace-related sciences and engineering, and

WHEREAS, Zonta International has awarded fellowships for study in such fields as aerospace engineering, astronomy, astrophysics, biomedical engineering, computer science, fluid mechanics, geological oceanography, meteorology, molecular biology, and space medicine, and

WHEREAS, since its inception, Zonta International has awarded 816 fellowships to more than 41 women from 28 countries, totaling \$3.7 million, as a living memorial to Amelia Earhart, NOW, THEREFORE,

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

That the Florida Senate recognizes the month of January 1999 as Amelia Earhart Month.

—**SR 2472** was introduced, read and adopted by publication.

At the request of Senator Forman—

By Senator Forman—

**SR 2676**—A resolution recognizing the importance of research into the preservation of Florida's sea turtles.

WHEREAS, Florida's waters are home to a number of species of sea turtles, including the green sea turtle and the loggerhead sea turtle, all of which are listed by the state and the Federal Government as threatened or endangered, and

WHEREAS, although identified as threatened or endangered, and thereby protected by law, Florida's sea turtles continue to face a host of threats to their survival, and

WHEREAS, the green sea turtle and loggerhead sea turtle are currently victims of fibropapilloma, a fatal disease of unknown cause, which is at epidemic levels in certain areas of Florida, and the seriousness of this disease has been amply attested by wildlife and sea turtle biologists, whose research efforts have been documented in several reports and papers, and

WHEREAS, the National Marine Fisheries Service has established a Sea Turtle Recovery Plan for both green sea turtles and loggerhead sea turtles and is working with the Department of Environmental Protection in tagging, releasing, and recovering both green and loggerhead sea turtles and assisting in the disposal of diseased and dead turtles, and

WHEREAS, despite some fibropapilloma research, much more is required in order to effectively protect both the green sea turtle and the loggerhead sea turtle, NOW, THEREFORE,

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

That the Senate recognizes that fibropapilloma is indeed a serious threat to the survival of the state's green sea turtles and loggerhead sea turtles, both protected by state and federal law, and urges that research into the preservation of these species be viewed as a matter of pressing concern.

BE IT FURTHER RESOLVED that copies of this resolution be dispatched to the National Marine Fisheries Service, the Department of Environmental Protection, and the Florida Marine Research Institute.

—**SR 2676** was introduced, read and adopted by publication.

At the request of Senator Horne—

By Senators Horne, Forman, Scott, Campbell, Myers, Diaz-Balart, Geller, Laurent, Clary, Casas, Turner, Kurth, Holzendorf, Brown-Waite, Crist, Meadows, Bronson, Ostalkiewicz, Cowin, Jones, Klein, Grant and Thomas—

**SR 2722**—A resolution honoring Beth Doody.

WHEREAS, Beth Doody, for nearly 20 years a member of the Florida legislative family, has worked for 18 legislative sessions as an advocate for business and social issues, having begun in 1980 as a governmental affairs professional with Associated Industries of Florida, and

WHEREAS, Beth Doody has been proactive on issues leading to legislation affecting workers' compensation, health care, transportation, insurance, and education, and has consistently striven to resolve issues for the mutual benefit of business owners, employees, teachers, and children and families, and

WHEREAS, Beth Doody has been a valuable member of the Capital City of Tallahassee as a member of the United Way Appeals Committee, the Leon County Advisory Committee of the Southeastern Blood Bank, the Florida Family Visitation Task Force, the Governor's Advisory Committee on the Census, the Florida Education Crossroads Advisory Committee, and the Board of Directors of the Tallahassee Refuge House, and

WHEREAS, Beth Doody has been a member of the Junior League of Florida's State Public Affairs Committee Task Force on Education for seven years, served as its chair for three years, and served as its first legislative analyst, and

WHEREAS, Beth Doody has been diligent in her support of the Special Olympics, has worked to curb domestic and school violence, and has served her community as a member of Leadership Tallahassee, Class of 1995-1996, and

WHEREAS, as a person who has worked tirelessly to secure through legislation certain benefits for others with no thought of possible advantage to herself, Beth Doody has served as a role model for legislative staff and lobbyists alike and has had a profound impact on the lives of legislators, staff, and lobbyists with whom she has worked, and

WHEREAS, now engaged in a struggle with cancer, Beth Doody, continues to serve as a model of strength and courage in this her personal battle, NOW, THEREFORE,

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

That the Florida Senate pauses in its deliberations to express its heartfelt gratitude and extend its warmest encouragement to Beth Doody, a remarkable lady.

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

—**SR 2722** was introduced, read and adopted by publication.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Turner, by two-thirds vote **SB 652, SB 654, SB 662** and **SB 1542** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **SB 554, CS for SB 640, SB 680, SB 732, CS for SB 792, SB 970, SB 1082, CS for SB 1162, SB 1504, SB 1954, CS for SB 1986, SB 2190, CS for CS for SB 2198, CS for SB 2262, SB 2302** and **CS for SB 2342** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 2084** was withdrawn from the Committee on Regulated Industries; and **CS for SB 2214** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Dudley, by two-thirds vote **CS for HB 4123** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight; and referred to the Committee on Judiciary.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 300** was withdrawn from the Committee on Community Affairs; and **CS for SB 1162** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Sullivan, by two-thirds vote **CS for CS for SB 356, CS for SB 494, CS for CS for SB 910, CS for SB 1218, CS for SB 1486, CS for SB 1536, CS for SB 2084, CS for SB 2158, CS for SB 2214** and **CS for CS for SB 2336** were withdrawn from the Committee on Ways and Means.

**MOTIONS RELATING TO COMMITTEE MEETINGS**

On motion by Senator Dudley, the rules were waived and the Committee on Judiciary was granted permission to add **CS for HB 4123** to the agenda at the meeting on April 27.

**MOTIONS**

On motion by Senator Bankhead, the rules were waived and a deadline of 6:30 p.m. this day was set for filing amendments to the bills remaining on the Special Order Calendar and Bills on Third Reading to be considered Monday, April 27.

On motion by Senator Bankhead, the rules were waived and a deadline of 10:00 a.m. Monday, April 27, was set for filing amendments to the new bills placed on the Special Order Calendar to be considered that day.

**CONSIDERATION OF BILLS ON THIRD READING**

Consideration of **CS for CS for SB 1308** and **CS for SB 228** was deferred.

**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; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; modifying the licensure requirements for a provider of services under a pilot project; amending s. 409.9122, F.S.; requiring the Agency for Health Care Administration to reimburse county health departments for school-based services; requiring Medicaid managed-care contractors to attempt to enter agreements with school districts and county health departments for specified services; 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 requirements for the mandatory assignment of Medicaid recipients; 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. 383.011, F.S.; providing that the Department of Health is the designated state agency for receiving federal funds for the Child Care Food Program; requiring the department to adopt rules for administering the program; 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; amending s. 409.903, F.S.; providing Medicaid eligibility standards for certain persons; conforming references; providing an appropriation to be matched by federal Medicaid funds; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Bankhead, **CS for CS for SB 484** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Madam President	Crist	Kirkpatrick	Ostalkiewicz
Bankhead	Dudley	Klein	Rossin
Bronson	Dyer	Kurth	Silver
Brown-Waite	Forman	Latvala	Thomas
Burt	Geller	Laurent	Turner
Casas	Grant	Lee	Williams
Childers	Harris	McKay	
Clary	Holzendorf	Meadows	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Gutman, Hargrett

**CS for CS for SB 1660**—A bill to be entitled An act relating to children and families; creating s. 383.145, F.S.; creating the Healthy Families Florida program; providing legislative findings and intent; providing purpose; requiring integrated community-based delivery of services; specifying program requirements; providing responsibilities of the Department of Health and the Department of Children and Family Services; providing for development, implementation, and administration of the program; specifying criteria for community program grant

funding; requiring collaboration with existing community boards, coalitions, providers, and planning groups; authorizing contracts for training and evaluation; providing for quality assurance; establishing the Healthy Families Florida Advisory Committee; providing for application for a federal waiver; providing appropriations; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Kurth, **CS for CS for SB 1660** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Diaz-Balart

**CS for SB 726**—A bill to be entitled An act relating to health care contracts; amending s. 627.419, F.S.; providing that health insurance policies that provide certain benefits must pay for the services of advanced registered nurse practitioners; providing an effective date.

—was read the third time by title.

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

**Amendment 1**—On page 1, lines 14-22, delete those lines and insert:

*(9) Any health insurance policy that provides for payment for services when performed by a physician licensed under chapters 458 or 459, which services may be legally performed by licensed advanced registered nurse practitioners, shall be construed as providing for payment of such services if performed by a licensed advanced registered nurse practitioner. Services of an advanced registered nurse practitioner shall only be performed in accordance with protocols and under physician medical supervision or on-site medical direction as required by ss. 464.012 and 395.0191.*

On motions by Senator Sullivan, **CS for SB 726** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Diaz-Balart

**SB 2242**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; creating s. 932.7051, F.S.; creating the Federal Law Enforcement Trust Fund; providing an effective date.

—was read the third time by title.

On motions by Senator Hargrett, **SB 2242** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	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	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

Consideration of **SB 2222** was deferred.

**CS for HB 3585**—A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements, except under specified circumstances; providing for future review and repeal; providing applicability; providing a finding of public necessity; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Williams, **CS for HB 3585** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**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.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 248** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

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

Nays—None

**CS for CS for HB 3193**—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 language with respect to the transition of homeowners' association control in a community; providing a list of required documents which 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 language with respect to disclosure to prospective purchasers; providing for the cancellation of certain contracts; providing for the inclusion of information on certain amenities; providing an effective date.

—was read the third time by title.

On motions by Senator Dyer, **CS for CS for HB 3193** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for CS for SB 646** was deferred.

**SB 756**—A bill to be entitled An act relating to Alzheimer's disease and related disorders; amending s. 430.502, F.S.; establishing additional memory disorder clinics; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Klein, **SB 756** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**CS for CS for SB 294**—A bill to be entitled An act relating to home medical equipment providers; creating part IX of chapter 400, F.S.; providing for regulation of home medical equipment providers by the Agency for Health Care Administration; providing legislative intent; providing definitions; providing for licensure and exemptions; providing unlawful acts; providing penalties; providing for license applications; providing for fees; providing for background screening; providing for provisional licenses and temporary permits; providing for administrative penalties; providing for injunctions, emergency orders, and moratoriums; providing for licensure inspections and investigations; providing minimum standards; providing for agency rules; providing for patient records; providing for notice of toll-free telephone number for the central abuse registry; providing for background screening of home medical equipment provider personnel; providing penalties; providing screening procedures; providing for agency injunctions; prohibiting patient referrals and rebates; providing for application of the act to existing providers; providing an appropriation; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Brown-Waite, **CS for CS for SB 294** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Gutman

**CS for SB 926**—A bill to be entitled An act relating to eradication of agricultural pests; prescribing additional duties of the Department of Agriculture and Consumer Services and the Department of Health with respect to programs of emergency aerial application of pesticide for eradication of plant pests; requiring use of certain pesticides; requiring development of a system for informing the public of such programs and requiring public and other notice of certain programs of pest eradication; providing for information to be furnished to health-care providers; providing for health advisory committees; providing an effective date.

—as amended April 23 was read the third time by title.

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

**Amendment 1**—On page 2, line 23, delete "96" and insert: 48

**Amendment 2**—On page 4, lines 13-27, delete those lines and redesignate subsequent sections.

On motions by Senator Lee, **CS for SB 926** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Scott Sullivan Turner Williams  
Silver Thomas

Nays—None

Vote after roll call:

Yea—Gutman

**CS for HB 4035**—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 and correcting references and cross references; amending s. 419.001, F.S.; correcting a cross reference; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Turner, **CS for HB 4035** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**SB 2504**—A bill to be entitled An act making supplemental appropriations providing moneys from the annual periods beginning July 1, 1997 and ending June 30, 1998; to pay salaries, and other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State government; supplementing appropriations as provided in Chapter 97-152, Laws of Florida; providing an effective date.

—was read the third time by title.

On motions by Senator Sullivan, **SB 2504** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**CS for CS for SB 1024**—A bill to be entitled An act relating to false reports of abuse or neglect of a child or of abuse, neglect, or exploitation

of a disabled adult or elderly person; amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report; amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.5131, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making, or counseling another to make, a false report; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Hargrett, **CS for CS for SB 1024** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	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	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

**SB 2534**—A bill to be entitled An act relating to the Excellent Teaching Program Trust Fund; creating the fund; providing a source of funds; providing purpose; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Horne, **SB 2534** 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—38

Madam President	Burt	Clary	Dudley
Bankhead	Campbell	Cowin	Dyer
Bronson	Casas	Crist	Forman
Brown-Waite	Childers	Diaz-Balart	Geller

Grant	Klein	Meadows	Sullivan
Gutman	Kurth	Myers	Thomas
Hargrett	Latvala	Ostalkiewicz	Turner
Harris	Laurent	Rossin	Williams
Holzendorf	Lee	Scott	
Kirkpatrick	McKay	Silver	

Nays—None

Vote after roll call:

Yea—Horne

**CS for SB 2000**—A bill to be entitled An act relating to rulemaking authority for matters pertaining to education (RAB); amending s. 231.17, F.S.; authorizing the Commissioner of Education to make decisions about granting certification to an applicant in extenuating circumstances not otherwise provided for in statute or by rule; amending s. 231.24, F.S.; allowing the state board to approve rules for the expanded use of training in teaching students having limited proficiency in English toward renewing a professional certificate; amending s. 231.29, F.S., relating to assessment procedures and criteria for personnel assessment; authorizing the state board to adopt necessary rules; amending s. 240.116, F.S.; allowing the state board to adopt rules for certain dual-enrollment programs; amending s. 240.233, F.S.; allowing the state board to adopt rules for the articulation of foreign-language competency and equivalency between secondary and postsecondary institutions; providing an effective date.

—was read the third time by title.

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

**Amendment 1**—On page 2, lines 23 and 24, delete those lines and insert: *renewal of the professional certificate during the subsequent validity periods.*

On motions by Senator Lee, **CS for SB 2000** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

Consideration of **CS for SB 1960** was deferred.

**CS for CS for HB 3311**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in a notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; providing that such information is not discoverable or admissible in a civil action or administrative proceeding unless such action or proceeding is a disciplinary proceeding conducted by the agency or a regulatory board; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for CS for HB 3311** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**SB 1730**—A bill to be entitled An act relating to the Legislature; amending s. 11.111, F.S.; providing for the continuance of certain proceedings that involve a member of the Legislature and conflict with scheduled activity of a legislative committee; specifying the period of the continuance which applies when the Legislature is not in session; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Campbell, **SB 1730** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

Vote after roll call:

Yea to Nay—Ostalkiewicz

**HB 3077**—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; limiting certain fees; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Clary, **HB 3077** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

## COMMUNICATIONS

On motion by Senator Dudley, the following communications were ordered spread upon the Journal:

Senator Charles Clary April 23, 1998  
The Florida Senate

Dear Senator Clary:

Because you are the sponsor of SB 1192, I wanted to confirm for you that the Governor supports the bill as amended in the Senate Rules and Calendar meeting last Thursday. With the exception of the case *The State of Florida, et al. v. The American Tobacco Company, et al.*, Civil Action No. 95-1466 AH, we are not aware of any other lawsuit that has been filed under Chapter Law 94-251, Laws of Florida, otherwise known as the 1994 amendments to the Medicaid Third Party Liability Act.

Please do not hesitate to let me know if we may be helpful to you in any other way.

With kind regards, I am

Sincerely,  
*J. Hardin Peterson*  
General Counsel  
Office of the Governor

The Honorable Charles W. Clary III April 23, 1998  
Senator, 7th District  
The Florida Senate

Dear Senator Clary:

During the Senate Rules Committee's consideration of a strike-after amendment to SB 1192 last week, Senator Dudley questioned whether any lawsuits were brought by or on behalf of the State using the provisions of Chapter 94-251, Laws of Florida—the 1994 amendments to the Medicaid Third-Party Liability Act.

Other than the well-known lawsuit brought by the State against tobacco manufacturers in *State of Florida, et al. v. The American Tobacco Company, et al.*, the Attorney General's Office has neither participated in nor is aware of any lawsuits brought by or on behalf of the State under the provisions of Chapter 94-251, Laws of Florida, excluding the provision now cited as subsection 409.910(19), Florida Statutes (relating to civil theft actions for criminal violations or fraudulent activity).

If this office may be of further assistance to you on this matter, please do not hesitate to contact me.

Sincerely,  
*Marty E. Moore*  
Deputy General Counsel  
Office of The Attorney General

The Honorable Charles W. Clary III April 23, 1998  
Senator, 7th District  
The Florida Senate

Subject: CS for SB's 1192, 628 and 1412—Medicaid Third Party Liability

Dear Senator Clary:

This letter will confirm that the Agency For Health Care Administration has brought no other law suits under Chapter 94-251, Laws of Florida, other than the suit against the Tobacco Companies, *State of Florida, et al. v. American Tobacco Company, et al.*

Please let me know if I can provide any other information on this subject.

Sincerely,  
*Paul J. Martin*  
General Counsel  
Agency For Health Care  
Administration

**CS for SB 1460**—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; provid-

ing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides; prohibiting specified bungy operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; providing for liens for unpaid fees, fines, interest, and costs; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

—as amended April 23 was read the third time by title.

Senator Silver moved the following amendment:

**Amendment 1 (with title amendment)**—On page 23, between lines 7 and 8, insert:

Section 5. *Each applicant for employment, including those under lease agreement, with any exhibition, amusement enterprise, carnival, or game or test of skill, within the grounds of, and in connection with, any public fair or amusement attraction must file a set of his or her fingerprints with the Department of Agriculture and Consumer Services for the purpose of determining any prior criminal record. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and forwarding to the Federal Bureau of Investigation for federal processing. The applicant shall bear the actual cost of such state and federal processing. The department may allow an applicant to work pending the results of the fingerprint investigation, which work privilege is fully revocable if the department subsequently determines that any facts set forth in the application are untrue or misrepresented.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to entertainment enterprises; requiring an applicant for employment with any exhibition, amusement enterprise, carnival, or game or test of skill that is connected with a fair or amusement attraction to submit a set of fingerprints to the Department of Agriculture and Consumer Services; requiring the applicant to bear the costs of processing the fingerprints; providing that the work privilege is revocable by the department; amending s.

On motion by Senator Forman, further consideration of **CS for SB 1460** with pending **Amendment 1** was deferred.

**SB 2316**—A bill to be entitled An act relating to the State Board of Independent Colleges and Universities (RAB); amending s. 246.081, F.S.; restricting certain activities of graduates of foreign medical schools; amending s. 246.085, F.S.; providing for rules relating to certificates of exemption; amending ss. 246.087, 246.091, F.S.; providing for certain procedures and rules to be adopted relating to licensing requirements; creating s. 246.093, F.S.; requiring certain colleges to obtain permission to operate; amending s. 246.095, F.S.; providing for rules relating to fair consumer practices; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Grant, **SB 2316** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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



Scott Sullivan Turner Williams  
Silver Thomas  
Nays—None

**CS for SB 368**—A bill to be entitled An act relating to motorcycle safety education; amending s. 215.22, F.S.; providing an exemption from a required deduction for that portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee; amending s. 322.0255, F.S.; deleting a limitation on the reimbursement of certain fees; providing an effective date.

—was read the third time by title.

On motions by Senator Kurth, **CS for SB 368** 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—37

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

Nays—None

Vote after roll call:

Yea—Childers

**CS for SB 266**—A bill to be entitled An act relating to the municipal firefighters' pension trust fund and the municipal police officers' retirement trust fund; amending ss. 175.071, 185.06, F.S.; revising the powers of the board of trustees for each trust fund; providing guidelines for the investment of funds; requiring additional recordkeeping by the boards; providing qualifications for professionally qualified independent consultants; providing an effective date.

—was read the third time by title.

On motions by Senator Dudley, **CS for SB 266** 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—39

Madam President Crist Holzendorf Myers  
Bankhead Diaz-Balart Horne Ostalkiewicz  
Bronson Dudley Kirkpatrick 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

Nays—None

**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.

—was read the third time by title.

On motions by Senator Turner, **CS for SB 1540** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President Diaz-Balart Horne Ostalkiewicz  
Bankhead Dudley Kirkpatrick Rossin  
Bronson 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

**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.

—was read the third time by title.

On motions by Senator Latvala, **CS for SB 1440** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President Diaz-Balart Horne Ostalkiewicz  
Bronson Dudley Kirkpatrick 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  
Cowin Harris Meadows  
Crist Holzendorf Myers

Nays—None

Vote after roll call:

Yea—Bankhead

**HB 3951**—A bill to be entitled An act relating to school attendance; amending s. 228.041, F.S.; clarifying definition of the term "home education program"; amending s. 229.808, F.S.; providing that definition of the term "nonpublic school" does not include home education program for purpose of survey requirements; amending s. 232.01, F.S., relating to school attendance; clarifying provisions relating to state or school district control of home education programs; amending s. 232.02, F.S.; providing that private tutoring may be used to meet regular school attendance requirements; revising provisions relating to home education programs; clarifying inspection of portfolio; providing for parental selection of method of evaluation; revising process for reporting and submitting written evaluation and test results to superintendent; creating s. 232.0202, F.S.; providing requirements for private tutoring programs; amending s. 232.021, F.S.; providing that attendance reporting requirements do not apply to home education programs; amending ss. 232.425, 240.116, 240.321, 240.40202, 240.40205, and 240.40206, F.S.; correcting cross references and conforming provisions; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Lee, **HB 3951** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**CS for SB 1230**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information provided by applicants to the Florida Kids Health program; providing an exemption for certain information obtained through quality assurance activities and patient satisfaction surveys; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 1230** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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—Bankhead

**CS for CS for HB 1589**—A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, and 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, and 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism,

Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending s. 403.7095, F.S.; deleting the expiration date for annual solid waste and recycling grants to small counties; creating s. 218.076, F.S.; providing for a waiver of permit processing fees under certain circumstances; providing an effective date.

—was read the third time by title.

On motions by Senator Williams, **CS for CS for HB 1589** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**CS for SB 86**—A bill to be entitled An act relating to education; requiring academic enrichment activities for specified students; requiring an evaluation of student academic progress; providing conditions that require a funding shift; providing an effective date.

—was read the third time by title.

On motions by Senator Kirkpatrick, **CS for SB 86** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Lee

**SB 282**—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Keep Kids Drug-Free license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Crist, **SB 282** 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—37

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

Nays—None

Vote after roll call:

Yea—Clary

**CS for SB 720**—A bill to be entitled An act relating to alcohol and tobacco sales; amending s. 562.45, F.S.; providing restrictions on locations for on-premises consumption of alcoholic beverages; 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. 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.

—as amended April 23 was read the third time by title.

On motions by Senator Hargrett, **CS for SB 720** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**CS for HB 3671**—A bill to be entitled An act relating to timber management; creating s. 253.036, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services, or other qualified professional forester, to assess the feasibility of managing timber in land management plans; providing legislative intent; providing for the reimbursement of management services performed by the division; amending s. 259.035, F.S.; requiring the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy; amending s. 373.591, F.S.; specifying circumstances under which the land managing agency must provide an explanation to the management review team concerning the management of lands; amending s. 589.04, F.S.; directing the Division of Forestry to begin certain forestation programs on certain lands; providing appropriations; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Bronson, **CS for HB 3671** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Grant

**INTRODUCTION OF FORMER SENATOR**

The President recognized former Senate President Bob Crawford, Commissioner of Agriculture, who was present in the chamber.

**CS for HB 1433**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; deleting provisions relating to the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation or the death of a child as a result of abuse, neglect, or abandonment; amending s. 415.107, F.S., and repealing s. 415.107(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation; amending s. 415.51, F.S., and repealing s. 415.51(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a child as a result of abuse, abandonment, or neglect; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for HB 1433** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Diaz-Balart

**CS for SB 1294**—A bill to be entitled An act relating to agricultural sales; amending s. 570.55, F.S.; revising the “Florida Avocado, Mango, Lime, and Tomato Sales Law” to the “Florida Tropical or Subtropical Fruit and Vegetables Sales Law”; revising provisions to apply to tropical or subtropical fruit and vegetables; prescribing use of certain containers in shipping or distribution; providing an exception; increasing a penalty; amending s. 603.161, F.S.; revising a definition; increasing a penalty; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator Gutman, **CS for SB 1294** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**CS for CS for CS for SB 1432**—A bill to be entitled An act relating to the delivery of health care services; amending s. 409.912, F.S.; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; creating s. 624.1291, F.S.; providing an exemption from the Insurance Code for certain health care services; creating part IV of ch. 641, F.S., the “Provider-Sponsored-Organization Act”; providing legislative findings and purposes with respect to certain federal requirements for authorizing provider-sponsored organizations in this state to provide health care coverage to Medicare beneficiaries under the Medicare Choice plan; providing definitions; prohibiting a provider-sponsored organization from transacting insurance business other than the offering of Medicare Choice plans; providing applicability of parts I and III of ch. 641, F.S., to provider-sponsored organizations; providing exceptions; amending s. 641.227, F.S.; providing for deposits into the Rehabilitation Administrative Expense Fund by a provider-sponsored organization; providing for reimbursements; amending s. 641.316, F.S., relating to fiscal intermediary services; providing for an exemption from s. 455.654, F.S., to provider-sponsored organizations, relating to financial arrangements; providing an appropriation; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for CS for CS for SB 1432** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**HB 3825**—A bill to be entitled An act relating to the Board of Trustees of the Internal Improvement Trust Fund; directing the board to transfer certain properties to the Florida Atlantic University Foundation, Inc., for the Pine Jog Environmental Education Center; providing restrictions on the use of the land; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **HB 3825** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
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	Myers	

Nays—None

Consideration of **CS for CS for SB 2288** was deferred.

**CS for SB 228**—A bill to be entitled An act relating to cleft-lip and cleft-palate treatment; creating s. 627.64193, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66911, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; amending s. 641.31, F.S.; providing for cleft-lip and cleft-palate treatment for children by health maintenance organizations; providing a legislative determination of an important state interest; providing applicability; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **CS for SB 228** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**SB 2222**—A bill to be entitled An act relating to taxation; amending s. 197.122, F.S.; specifying the time within which property appraisers may correct a material mistake of fact in an appraisal; allowing the property appraiser to directly submit a correction and refund order to the tax collector; creating s. 197.4155, F.S.; authorizing county tax collectors to implement an installment payment program for delinquent personal property taxes; providing for a tax collector to prescribe an installment payment plan within a specified time period; allowing flexibility; prescribing limitations upon the duration of an installment plan; providing that tax warrants against a taxpayer participating in a plan are unenforceable if specified conditions are met; authorizing the tax collector to use all legally available enforcement methods if taxes due under an installment plan are not paid in full; amending s. 197.432, F.S.; revising requirements for calculating the rate of interest on void tax certificates; prohibiting holders of tax certificates from contacting property owners and demanding payment; providing for barring the holder of a tax certificate from bidding at a certificate sale; providing that any such contact is an unfair or deceptive trade practice; amending s. 200.069, F.S.; providing for the notice of proposed property taxes to include a notice of proposed non-ad valorem assessments, if requested by the local governing board levying the non-ad valorem assessments and agreed to by the property appraiser; amending s. 170.201, F.S.;

allowing municipalities to exempt certain government financed or insured housing facilities from special assessments for emergency medical services; creating s. 213.68, F.S.; specifying the garnishment authority and procedures applicable to counties which self-administer the local option tourist development tax; providing an effective date.

—as amended April 23 was read the third time by title.

On motions by Senator McKay, **SB 2222** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

On motion by Senator Gutman, by two-thirds vote **CS for HB 3327** was withdrawn from the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

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

**CS for HB 3327**—A bill to be entitled An act relating to sexual predators; creating the “Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators’ Treatment and Care Act”; creating s. 916.30, F.S.; providing findings and intent; creating s. 916.31, F.S.; providing definitions; creating s. 916.32, F.S.; requiring certain notice to the state attorney of anticipated release of specified persons who may meet the criteria for a sexually violent predator; requiring provision of certain records and information by the agency with jurisdiction to the state attorney; providing certain immunity from liability of the agency with jurisdiction, the state attorney, and their employees and service providers; creating s. 916.33, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.34, F.S.; providing for determination of probable cause and taking respondent into custody; providing for transfer of the respondent to a secure facility for evaluation under specified circumstances when the court finds probable cause to believe that the respondent is a sexually violent predator; creating s. 916.35, F.S.; providing for trial on the issue of whether a person is a sexually violent predator; creating s. 916.36, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.37, F.S.; requiring annual examination of persons committed; creating s. 916.38, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; providing that the Department of Children and Family Services is responsible for specified evaluation and treatment costs; providing for reimbursement; providing for court orders for certain disclosures to the department by the committed person of income and assets; providing for imposition and assessment of certain financial liabilities for payment of daily subsistence and treatment costs based on specified criteria; providing for notice and contest of the assessment; providing for survival of the order directing payment against the person’s estate; creating s. 916.41, F.S.; providing for notice to victims; creating s. 916.42, F.S.; providing severability; creating s. 916.43, F.S.; providing for access to certain records; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 646** as amended and read the second time by title.

Senators Klein and Gutman offered the following amendment which was moved by Senator Klein:

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

Section 1. *The Division of Statutory Revision of the Joint Legislative Management Committee shall change the name of chapter 916, Florida Statutes, from “Mentally Deficient and Mentally Ill Defendants” to “Mentally Deficient and Mentally Ill Defendants; Civil Commitment of Sexually Violent Predators.”*

Section 2. Section 916.10, Florida Statutes, is amended to read:

916.10 Short title.—*Sections 916.10-916.20 This chapter may be cited as the “Forensic Client Services Act.”*

Section 3. Section 916.30, Florida Statutes, is created to read:

916.30 *Sections 916.30-916.49 may be cited as the “The Jimmy Ryce Act of 1998.”*

Section 4. Section 916.31, Florida Statutes, is created to read:

916.31 *Legislative findings and intent.—The Legislature finds that a mentally abnormal and extremely dangerous group of sexually violent predators exists and requires involuntary civil commitment for long-term control, care, and treatment. The Legislature further finds that the likelihood that sexually violent predators will engage in repeat acts of sexual violence, if not treated for their mental conditions, is significant. Because the existing civil commitment process under the Baker Act is inadequate to address the special needs of sexually violent predators and the risks that they present to society, the Legislature determines that a separate involuntary civil commitment process for the long-term control, care, and treatment of sexually violent predators is necessary. The Legislature also determines that, because of the nature of the mental conditions from which sexually violent predators suffer and the dangers they present, it is necessary to house involuntarily committed sexually violent predators in an environment separate from persons involuntarily committed under traditional civil commitment statutes.*

Section 5. Section 916.32, Florida Statutes, is created to read:

916.32 *Definitions.—As used in ss. 916.30-916.49, the term:*

(1) *“Agency with jurisdiction” means the agency that releases, upon lawful order or authority, a person serving a sentence in the custody of the Department of Corrections, a person adjudicated delinquent and committed to the custody of the Department of Juvenile Justice or a person who was involuntarily committed to the custody of the Department of Children and Family Services upon an adjudication of not guilty by reason of insanity.*

(2) *“Convicted of a sexually violent offense” means a person who has been:*

(a) *Adjudicated guilty of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere;*

(b) *Adjudicated not guilty by reason of insanity of a sexually violent offense; or*

(c) *Adjudicated delinquent of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere.*

(3) *“Department” means the Department of Children and Family Services.*

(4) *“Likely to engage in acts of sexual violence” means the person’s propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.*

(5) *“Mental abnormality” means a mental condition affecting a person’s emotional or volitional capacity which predisposes the person to commit sexually violent offenses.*

(6) *“Person” means an individual 18 years of age or older who is a potential or actual subject of proceedings under ss. 916.30-916.49.*

(7) *“Sexually motivated” means that one of the purposes for which the defendant committed the crime was for sexual gratification.*

(8) *“Sexually violent offense” means:*

(a) *Murder of a human being while engaged in sexual battery in violation of s. 782.04(1)(a)2.;*

(b) *Kidnapping of a child under the age of 16 and, in the course of that offense, committing:*

1. *Sexual battery; or*
2. *A lewd, lascivious, or indecent assault or act upon or in the presence of the child;*

(c) *Committing the offense of false imprisonment upon a child under the age of 16 and, in the course of that offense, committing:*

1. *Sexual battery; or*
2. *A lewd, lascivious or indecent assault or act upon or in the presence of the child;*

(d) *Sexual battery in violation of s. 794.011;*

(e) *Lewd, lascivious, or indecent assault or act upon or in presence of the child in violation of s. 800.04;*

(f) *An attempt, criminal solicitation, or conspiracy, in violation of s. 777.04, of a sexually violent offense;*

(g) *Any conviction for a felony offense in effect at any time before July 1, 1998, which is comparable to a sexually violent offense under paragraphs (a)-(f) or any federal conviction or conviction in another state for a felony offense that in this state would be a sexually violent offense; or*

(h) *Any criminal act that, either at the time of sentencing for the offense or subsequently during civil commitment proceedings under ss. 916.30-916.49, has been determined beyond a reasonable doubt to have been sexually motivated.*

(9) *"Sexually violent predator" means any person who:*

- (a) *Has been convicted of a sexually violent offense; and*
- (b) *Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.*

(10) *"Total confinement" means that the person is currently being held in any physically secure facility being operated or contractually operated for the Department of Corrections, the Department of Juvenile Justice, or the Department of Children and Family Services.*

Section 6. Section 916.33, Florida Statutes, is created to read:

*916.33 Notice to state attorney and multidisciplinary team of release of sexually violent predator; establishing multidisciplinary team.—*

(1) *The agency having jurisdiction over a person who has been convicted of a sexually violent offense shall give written notice to the multidisciplinary team, and a copy to the state attorney of the circuit where that person was last convicted of a sexually violent offense, 180 days or, in the case of an adjudicated committed delinquent, 90 days before:*

(a) *The anticipated release from total confinement of a person who has been convicted of a sexually violent offense, except that in the case of persons who have been returned to confinement for no more than 90 days, written notice must be given as soon as practicable following the person's return to confinement; or*

(b) *The anticipated hearing regarding possible release of a person who has been found not guilty by reason of insanity or mental incapacity of a sexually violent offense.*

(2) *The agency having jurisdiction shall provide the multidisciplinary team with the following information:*

(a) *The person's name; identifying characteristics; anticipated future residence; the type of supervision the person will receive in the community, if any; and the person's offense history; and*

(b) *Documentation of institutional adjustment and any treatment received and, in the case of an adjudicated delinquent committed to the Department of Juvenile Justice, copies of the most recent performance plan and performance summary.*

*The provisions of this section are not jurisdictional, and failure to comply with them in no way prevents the state attorney from proceeding against a person otherwise subject to the provisions of ss. 916.30-916.49. However, the state attorney has no lawful authority to file a petition with the circuit court alleging that a person is a sexually violent predator without a written assessment and recommendation from the multidisciplinary team.*

(3) *The Secretary of Children and Family Services shall establish a multidisciplinary team, which shall include a person knowledgeable in the field of law enforcement designated by the Department of Law Enforcement, a licensed psychologist, a licensed psychiatrist, a person who is knowledgeable in the treatment of sexual offenders, and a mental health counselor licensed under chapter 491, to review available records of each person referred to such team under subsection (1). The Attorney General's Office shall serve as legal counsel to the multidisciplinary team. The team, within 45 days after receiving notice, shall assess whether the person meets the definition of a sexually violent predator and provide the state attorney with its written assessment and recommendation.*

Section 7. Section 916.34, Florida Statutes, is created to read:

*916.34 Petition; time; contents.—When a multidisciplinary team determines that a person meets the definition of a sexually violent predator as provided in s. 916.32, the state attorney in the judicial circuit where the person committed the sexually violent offense may file a petition with the circuit court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation.*

Section 8. Section 916.35, Florida Statutes, is created to read:

*916.35 Determination of probable cause; hearing; evaluation; respondent taken into custody; bail.—*

(1) *When the state attorney files a petition seeking to have a person declared a sexually violent predator, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If the judge determines that there is probable cause to believe that the person is a sexually violent predator, the judge shall direct that the person be taken into custody and held in an appropriate secure facility.*

(2) *Before the release from custody of a person whom the multidisciplinary team recommends for civil commitment, but after the state attorney files a petition under s. 916.33, the state attorney may further petition the court for an adversarial probable cause hearing. The person shall be provided with notice of, and an opportunity to appear in person at, an adversary hearing. At this hearing, the judge shall:*

(a) *Receive evidence and hear argument from the person and the state attorney; and*

(b) *Determine whether probable cause exists to believe that the person is a sexually violent predator.*

(3) *At the probable cause hearing, the person has the right to:*

(a) *Be represented by counsel;*

(b) *Present evidence;*

(c) *Cross-examine any witnesses who testify against the person; and*

(d) *View and copy all petitions and reports in the court file.*

(4) *If the court again concludes that there is probable cause to believe that the person is a sexually violent predator, the court shall direct that the person be held in a county jail or a detention facility in the county where the petition was filed for an evaluation by a mental health professional.*

(5) *After a court finds probable cause to believe that the person is a sexually violent predator, the person must be held in custody in a secure facility without opportunity for pretrial release or release during the trial proceedings.*

Section 9. Section 916.36, Florida Statutes, is created to read:

916.36 *Trial; counsel and experts; indigent persons; jury.*—

(1) *Within 30 days after the determination of probable cause, the court shall conduct a trial to determine whether the person is a sexually violent predator.*

(2) *The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the interests of justice, when the person will not be substantially prejudiced.*

(3) *At all adversarial proceedings under this act, the person subject to this act is entitled to the assistance of counsel, and, if the person is indigent, the court shall appoint the public defender or, if a conflict exists, other counsel to assist the person.*

(4) *If the person is subjected to a mental health examination under this chapter, the person also may retain experts or mental health professionals to perform an examination. If the person wishes to be examined by a professional of the person's own choice, the examiner must be provided reasonable access to the person, as well as to all relevant medical and mental health records and reports. In the case of a person who is indigent, the court, upon the person's request, shall determine whether such an examination is necessary. If the court determines that an examination is necessary, the court shall appoint a mental health professional and determine the reasonable compensation for the professional's services.*

(5) *The person or the state attorney has the right to demand that the trial be before a jury. A demand for a jury trial must be filed, in writing, at least 5 days before the trial. If no demand is made, the trial shall be to the court.*

Section 10. Section 916.37, Florida Statutes, is created to read:

916.37 *Determination; commitment procedure; mistrials; housing.*—

(1) *The court or jury shall determine by clear and convincing evidence whether the person is a sexually violent predator. If the determination is made by a jury, the decision must be unanimous. If a majority of the jury finds that the person is a sexually violent predator, but the decision is not unanimous, the state attorney may refile the petition and proceed according to the provisions of ss. 916.30-916.49. Any retrial must occur within 90 days after the previous trial, unless the subsequent proceeding is continued in accordance with s. 916.36(2). The determination that a person is a sexually violent predator may be appealed.*

(2) *If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the Department of Children and Family Services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that it is safe for the person to be at large. Such control, care, and treatment shall be provided at a facility operated by the Department of Children and Family Services. At all times, sexually violent predators who are committed for control, care, and treatment by the Department of Children and Family Services under this section shall be kept in a secure facility segregated from patients who are not committed under this section.*

Section 11. Section 916.38, Florida Statutes, is created to read:

916.38 *Examinations.*—

(1) *A person committed under ss. 916.30-916.49 shall have an examination of his or her mental condition once every 3 years or more frequently at the court's discretion. The person may retain or, if the person is indigent and so requests, the court may appoint, a qualified professional to examine the person. Such a professional shall have access to all records concerning the person. The results of the examination shall be provided to the court that committed the person under ss. 916.30-916.49. Upon receipt of the report, the court shall conduct a review of the person's status.*

(2) *The department shall provide the person with annual written notice of the person's right to petition the court for release over the objection of the director of the facility where the person is housed. The notice must contain a waiver of rights. The director of the facility shall forward the notice and waiver form to the court.*

(3) *The court shall hold a limited hearing to determine whether there is probable cause to believe that the person's condition has so changed*

*that it is safe for the person to be at large and that the person will not engage in acts of sexual violence if discharged. The person has the right to be represented by counsel at the probable cause hearing, but the person is not entitled to be present. If the court determines that there is probable cause to believe it is safe to release the person, the court shall set a trial before the court on the issue.*

(4) *At the trial before the court, the person is entitled to be present and is entitled to the benefit of all constitutional protections afforded the person at the initial trial, except for the right to a jury. The state attorney shall represent the state and has the right to have the person examined by professionals chosen by the state. At the hearing the state bears the burden of proving, by clear and convincing evidence, that the person's mental condition remains such that it is not safe for the person to be at large and that, if released, the person is likely to engage in acts of sexual violence.*

Section 12. Section 916.39, Florida Statutes, is created to read:

916.39 *Authorized petition for release; procedure.*—

(1) *If the Secretary of Children and Family Services or the secretary's designee at any time determines that the person is not likely to commit acts of sexual violence if conditionally discharged, the secretary or the secretary's designee shall authorize the person to petition the court for release. The petition shall be served upon the court and the state attorney. The court, upon receipt of such a petition, shall order a trial before the court within 30 days, unless continued for good cause.*

(2) *The state attorney shall represent the state, and has the right to have the person examined by professionals of the state attorney's choice. The state bears the burden of proving, by clear and convincing evidence, that the person's mental condition remains such that it is not safe for the person to be at large and that, if released, the person is likely to engage in acts of sexual violence.*

Section 13. Section 916.40, Florida Statutes, is created to read:

916.40 *Petition for release.*—*Sections 916.30-916.49 do not prohibit a person from filing a petition for discharge at any time. However, if the person has previously filed such a petition without the approval of the Secretary of Children and Family Services or the secretary's designee and the court determined that the petition was without merit, a subsequent petition shall be denied unless the petition contains facts upon which a court could find that the person's condition has so changed that a probable-cause hearing is warranted.*

Section 14. Section 916.41, Florida Statutes, is created to read:

916.41 *Release of records to state attorney.*—

(1) *In order to protect the public, relevant information and records that are otherwise confidential or privileged shall be released to the agency having jurisdiction or to the state attorney for the purpose of meeting the notice requirements of ss. 916.30-916.49 and determining whether a person is or continues to be a sexually violent predator.*

(2) *Psychological or psychiatric reports, drug and alcohol reports, treatment records, medical records, or victim impact statements that have been submitted to the court or admitted into evidence under ss. 916.30-916.49 shall be part of the record, but shall be sealed and may be opened only pursuant to a court order.*

Section 15. Section 916.42, Florida Statutes, is created to read:

916.42 *Constitutional requirements.*—*The long-term control, care, and treatment of a person committed under ss. 916.30-916.49 must conform to constitutional requirements.*

Section 16. Section 916.43, Florida Statutes, is created to read:

916.43 *Immunity from civil liability.*—*The agency with jurisdiction and its officers and employees; the department and its officers and employees; members of the multidisciplinary team; the state attorney and the state attorney's employees; and those involved in the evaluation, care, and treatment of sexually violent persons committed under ss. 916.30-916.49, are immune from any civil liability for good-faith conduct under ss. 916.30-916.49.*

Section 17. Section 916.44, Florida Statutes, is created to read:

*916.44 Severability.—If any section, subsection, or provision of ss. 916.30-916.49 is held to be unconstitutional or invalid by a court of competent jurisdiction, the remaining portions of ss. 916.30-916.49 shall be unaffected because the Legislature declares that the provisions of ss. 916.30-916.49 are severable from each other.*

Section 18. Section 916.45, Florida Statutes, is created to read:

*916.45 Applicability of act.—Sections 916.30-916.49 apply to all persons currently in custody who have been convicted of a sexually violent offense, as that term is defined in s. 916.32(8), as well as to all persons convicted of a sexually violent offense in the future.*

Section 19. Section 916.46, Florida Statutes, is created to read:

*916.46 Notice to victims of release of persons committed as sexually violent predators.—As soon as is practicable, the department shall give written notice of the release of a person committed as a sexually violent predator to any victim of the committed person who is alive and whose address is known to the department or, if the victim is deceased, to the victim's family, if the family's address is known to the department. Failure to notify is not a reason for postponement of release. This section does not create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to ss. 916.30-916.49.*

Section 20. Section 916.47, Florida Statutes, is created to read:

*916.47 Escape while in lawful custody.—A person who is held in lawful custody pursuant to a judicial finding of probable cause under s. 916.35 or pursuant to a commitment as a sexually violent predator under s. 916.36 and who escapes or attempts to escape while in such custody commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 21. Section 916.48, Florida Statutes, is created to read:

*916.48 Subsistence fees and costs of treatment.—*

*(1) In recognition of the fact that persons committed under ss. 916.30-916.49 may have sources of income and assets, which may include bank accounts, inheritances, real estate, social security payments, veteran's payments, and other types of financial resources, and in recognition of the fact that the daily subsistence cost and costs of treatment of persons committed under ss. 916.30-916.49 are a burden on the taxpayers of the state, each person so committed shall:*

*(a) Upon order of the court committing the person, disclose all revenue or assets to the department.*

*(b) Pay from such income and assets, except where such income is exempt by state or federal law, all or a fair portion of the person's daily subsistence and treatment costs, based upon the person's ability to pay, the liability or potential liability of the person to the victim or the guardian or the estate of the victim, and the needs of his or her dependents.*

*(2)(a) Any person who is directed to pay all or a fair portion of daily subsistence and treatment costs is entitled to reasonable advance notice of the assessment and shall be afforded an opportunity to present reasons for opposition to the assessment.*

*(b) An order directing payment of all or a fair portion of a person's daily subsistence costs may survive against the estate of the person.*

Section 22. Section 916.49, Florida Statutes, is created to read:

*916.49 Department of Children and Family Services responsible for costs.—The Department of Children and Family Services is responsible for all costs relating to the evaluation and treatment of persons committed to the department's custody as sexually violent predators. A county is not obligated to fund costs for psychological examinations, expert witnesses, court-appointed counsel, or other costs required by ss. 916.30-916.49. Other costs for psychological examinations, expert witnesses, and court-appointed counsel required by ss. 916.30-916.49 shall be paid from state funds appropriated by general law.*

Section 23. *The Department of Children and Family Services may contract with a private entity or state agency for use of facilities to comply with the requirements of this act.*

Section 24. *There is hereby appropriated from the General Revenue Fund in a lump sum to the Department of Children and Family Services the sum of \$3,400,000 and 50 full-time equivalent positions, and from the Grants and Donations Trust Fund, \$1,500,000 to the Department of Corrections for the purpose of carrying out the provisions of this act. From the funds appropriated to the Department of Children and Family Services, the department shall, at the counties' request, reimburse counties for the cost of no more than one examination of each person subject to this act, provided that the department's reimbursement for each examination shall not exceed the cost to the department for examinations that it conducts of such persons.*

Section 25. This act shall take effect January 1, 1999.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to sexually violent predators; requesting that the Division of Statutory Revision redesignate ch. 916, F.S.; amending s. 916.10, F.S.; providing a short title; creating s. 916.30, F.S.; providing a short title; creating s. 916.31, F.S.; providing legislative findings and intent; creating s. 916.32, F.S.; defining terms; creating s. 916.33, F.S.; requiring notice of release from custody of a person alleged to be a sexually violent predator; providing for evaluation of such person; providing for legal counsel to the evaluation team; creating s. 916.34, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.35, F.S.; providing for determination of probable cause, for hearings, and for taking such person into custody; creating s. 916.36, F.S.; providing for trial on the issue of whether such person is a sexually violent predator; creating s. 916.37, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.38, F.S.; requiring examinations of persons committed; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; authorizing petition for release; creating s. 916.41, F.S.; providing for access to certain records; creating s. 916.42, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.43, F.S.; providing immunity from civil liability; creating s. 916.44; providing severability; creating s. 916.45, F.S.; providing for retrospective and prospective application; creating s. 916.46, F.S.; providing for notice to victims; creating s. 916.47, F.S.; penalizing escape; creating s. 916.48, F.S.; authorizing subsistence fees and costs; creating s. 916.49, F.S.; providing that the Department of Children and Family Services is responsible for costs; providing that other costs for psychological evaluations, expert witnesses, and court-appointed counsel are paid from state funds; authorizing the Department of Children and Family Services to contract for the use of facilities; providing an appropriation; providing an effective date.

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

**Amendment 1A**—On page 6, line 15, after "team" insert: *that the state attorney file a petition seeking civil commitment*

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

**Amendment 1B**—On page 6, lines 18-24, delete those lines and insert: *two licensed psychiatrists or psychologists, or one licensed psychiatrist and one licensed psychologist, designated by the Secretary of Children and Family Services. Both evaluators must concur. If one of the professionals performing the evaluation does not concur that the person meets the criteria for civil commitment, but the other professional concludes that the person meets the criteria, the Secretary of Children and Family Services shall arrange for further examination of the person by two independent licensed psychiatrists or psychologists or by one independent licensed psychiatrist and one independent licensed psychologist. If an examination by independent professionals is conducted, a petition to seek commitment under this act shall only be filed if both independent professionals who evaluate the person pursuant to this subsection concur that the person meets the criteria for civil commitment. The Attorney General's Office shall serve as*

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

**Amendment 1C**—On page 8, line 13, delete "county jail or a detention" and insert: *appropriate secure*

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



**Amendment 1D**—On page 10, lines 11-13, delete those lines and insert: *changed that it is safe for the person to be at large. At*

Senator Gutman moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1E (with title amendment)**—On page 16, line 14, after “for use of” insert: *and operations of*

And the title is amended as follows:

On page 18, line 21, after “the use of” insert: *and operations of*

**Amendment 1F (with title amendment)**—On page 16, line 15, after the period (.) insert: *The Department of Children and Family Services may also contract with the Correctional Privatization Commission as defined in chapter 957 to issue a request for proposals and monitor contract compliance for these services.*

And the title is amended as follows:

On page 18, line 21, after “facilities” insert: *and for monitoring contract compliance*

**Amendment 1** as amended was adopted.

On motions by Senator Gutman, by two-thirds vote **CS for HB 3327** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**RECONSIDERATION OF BILL**

On motion by Senator Hargrett, the rules were waived and the Senate reconsidered the vote by which—

**SB 2242**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; creating s. 932.7051, F.S.; creating the Federal Law Enforcement Trust Fund; providing an effective date.

—passed this day.

Pending further consideration of **SB 2242**, on motion by Senator Hargrett, by two-thirds vote **HB 4713** was withdrawn from the Committees on Transportation; and Ways and Means.

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

**HB 4713**—A bill to be entitled An act relating to trust funds; amending s. 932.705, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 895.09 and 932.7055, F.S., relating to duties of various agencies with respect to the deposit of certain moneys, to conform; providing an effective date.

—a companion measure, was substituted for **SB 2242** and by two-thirds vote read the second time by title. On motions by Senator Hargrett, by two-thirds vote **HB 4713** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

The Senate resumed consideration of—

**CS for SB 1460**—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; providing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides; prohibiting specified bungy operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; providing for liens for unpaid fees, fines, interest, and costs; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

—as amended which was previously considered this day. Pending **Amendment 1** by Senator Silver was withdrawn.

On motions by Senator Forman, **CS for SB 1460** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**COMMUNICATION**

The Honorable Toni Jennings, President  
The Florida Senate

April 23, 1998

Dear Madam President:

Pursuant to Senate Rule 4.5, copies of the Conference Committee Report on **CS for SB 1402**, relating to Elections, have been furnished to each member of the Senate.

Delivery was completed April 23, 1998, at 3:45 p.m., EDT.

Respectfully submitted,  
Faye W. Blanton, Secretary

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON CS for SB 1402**

The Honorable Toni Jennings  
President of the Senate

April 23, 1998

The Honorable Daniel Webster  
Speaker, House of Representatives

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two Houses on House Amendment to CS for SB 1402 same being:

An act relating to Elections

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the House recede from its Amendment.
2. That the Senate and the House of Representatives adopt Conference Committee Amendment 1, attached hereto and, by reference, made a part of this report.
3. That the Senate and the House of Representatives pass CS for SB 1402, as amended by said Conference Committee Amendment.

*s/Jack Latvala*  
Chair  
*s/Tom Lee*  
*s/Ronald A. Silver*  
Managers on the part  
of the Senate

*s/Luis C. Morse*  
Vice-Chair  
*s/Kendrick Meek*  
*s/Jeff Stabins*  
Managers on the part of the  
House of Representatives

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

Section 1. Subsection (12) is added to section 97.012, Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(12) *Maintain a voter fraud hotline and provide election-fraud education to the public.*

Section 2. Subsection (11) is added to section 98.015, Florida Statutes, to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(11) *Each supervisor of elections shall forward, to the property appraiser for the county in which the homestead is claimed, the name of the person and the address of the homestead of each person who registers to vote at an address other than that at which the person claims a homestead exemption, as disclosed on the uniform statewide voter registration application pursuant to s. 97.052.*

Section 3. Subsection (1) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) "Absent elector" means any registered and qualified voter who: ~~is unable to attend the polls on election day.~~

(a) *Is unable without another's assistance to attend the polls.*

(b) *Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he or she is registered to vote.*

(c) *On account of the tenets of his or her religion, cannot attend the polls on the day of the general, special, or primary election.*

(d) *May not be in the precinct of his or her residence during the hours the polls are open for voting on the day of the election.*

(e) *Has changed his or her residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.*

(f) *Has changed his or her residency to another state and is ineligible under the laws of that state to vote in the general election; however, this pertains only to presidential ballots.*

Section 4. Effective July 1, 1999, subsections (2) and (3) of section 97.052, Florida Statutes, are amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

- (a) Full name.
- (b) Date of birth.
- (c) Address of legal residence.
- (d) Mailing address, if different.
- (e) County of legal residence.

(f) *Address of property for which the applicant has been granted a homestead exemption, if any.*

(g)(f) Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.
2. Asian or Pacific Islander.
3. Black, not Hispanic.
4. White, not Hispanic.
5. Hispanic.

(h)(g) Sex.

(i)(h) Party affiliation.

(j)(i) Whether the applicant needs assistance in voting.

(k)(j) Name and address where last registered.

(l)(k) *Last four digits of the applicant's social security number (optional).*

(m) *Florida Driver's license number or the identification number from a Florida identification card issued under s. 322.051.*

(n)(l) Telephone number (optional).

(o)(m) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(p)(n) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

(q)(o) Whether the applicant is a citizen of the United States.

(r)(p) That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.

(s)(q) That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form *must shall* be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

~~(d) A statement that the disclosure of a social security number is voluntary, a citation of the statutory authority under which the social security number is being solicited, a delineation of the uses that will be made of the social security number, and a notice that the social security number will be open to public inspection.~~

~~(d)(e)~~ A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

~~(e)(f)~~ A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

~~(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.~~

Section 5. Effective July 1, 1999, subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. An indication that the applicant is a citizen of the United States.
5. *The last four digits of the applicant's social security number.*

~~6.5.~~ An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

~~7.6.~~ An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

~~8.7.~~ Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

Section 6. Effective July 1, 1999, section 97.056, Florida Statutes, is created to read:

97.056 *Registration by mail; persons required to vote in person.—*

(1) *Any registered voter who has registered by mail and has not previously voted in the county in which he or she is registered must vote:*

(a) *In person at the precinct in which he or she is registered to vote; or*

(b) *In person at the office of the supervisor of elections, as provided in s. 101.657.*

(2) *The provisions of this section do not apply to a person who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or any other federal law, or an elector who is absent from the county and does not plan to return before the day of the election.*

Section 7. Present subsections (2) and (3) of section 97.071, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section to read:

97.071 *Registration identification card.—*

(2)(a) *Except as provided in paragraph (b), the supervisor of elections shall mail a registration identification card to the voter at the address listed as the legal residence on the voter's registration application. The card must be sent by nonforwardable, return-if-undeliverable mail. If the identification card is returned as undeliverable and the voter has indicated a different mailing address on the registration application, the supervisor must mail a notice to the mailing address, notifying the voter that his or her registration identification card was returned and that the voter may appear in person at the supervisor's office to pick up the identification card. The supervisor must surrender the identification card to the elector upon presentation of a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor has doubts as to the identity of the elector, the supervisor must require the elector to swear an oath substantially similar to the one prescribed in s. 101.49 prior to surrendering the identification card. The supervisor must keep the identification card on file for 45 days following return of the card as undeliverable.*

(b) *The supervisor shall mail the voter identification card by forwardable mail to voters who are covered by the Uniformed and Overseas Citizens Absentee Voting Act.*

Section 8. Effective upon this act becoming a law, section 98.0975, Florida Statutes, is created to read:

98.0975 *Central voter file; periodic list maintenance.—*

(1) *By August 15, 1998, the division shall provide to each county supervisor of elections a list containing the name, address, date of birth, race, gender, and any other available information identifying the voter of each person included in the central voter file as a registered voter in the supervisor's county who:*

(a) *Is deceased;*

(b) *Has been convicted of a felony and has not had his or her civil rights restored; or*

(c) *Has been adjudicated mentally incompetent and whose mental capacity with respect to voting has not been restored.*

(2) *The division shall annually update the information required in subsection (1), and forward a like list to each supervisor by June 1 of each year.*

(3)(a) *In order to meet its obligations under this section, the division shall annually contract with a private entity to compare information in the central voter file with available information in other computer databases, including, without limitation, databases containing reliable criminal records and records of deceased persons.*

(b) *The entity contracted by the division is designated as an agent of the division for purposes of administering the contract, and must be limited to seeking only that information which is necessary for the division to meet its obligations under this section. Information obtained under this section may not be used for any purpose other than determining voter eligibility.*

(4) *Upon receiving the list from the division, the supervisor must attempt to verify the information provided. If the supervisor does not determine that the information provided by the division is incorrect, the supervisor must remove from the registration books by the next subsequent election the name of any person who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting.*

Section 9. Effective upon this act becoming a law, section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification approved by the Department of State, which ~~must~~ shall include, but is not be limited to, a ~~the voter registration identification card and~~ Florida driver's license, a *Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State.* The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

Section 10. Effective upon this act becoming a law, section 98.471, Florida Statutes, is amended to read:

98.471 Use of precinct register at polls.—The precinct register, as prescribed in s. 98.461, may be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a *Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification* ~~one of the forms of identification which are on the list of forms approved by the Department of State pursuant to s. 98.461.~~ The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector. If the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49. The precinct register may also contain the information set forth in s. 101.47(8) and, if so, the inspector shall follow the procedure required in s. 101.47, except that the identification provided by the elector shall be used for the signature comparison.

Section 11. Effective upon becoming law, subsection (2) of section 100.041, Florida Statutes, is amended to read:

100.041 Officers chosen at general election.—

(2)(a) Each county commissioner from an odd-numbered district shall be elected at the general election in each year the number of which is a multiple of 4, for a 4-year term commencing on the second Tuesday following such election, and each county commissioner from an even-numbered district shall be elected at the general election in each even-numbered year the number of which is not a multiple of 4, for a 4-year term commencing on the second Tuesday following such election.

(b) *Notwithstanding paragraph (a), the governing board of a charter county may provide by ordinance, to be approved by referendum, that the terms of its members shall commence on a date later than the second Tuesday following general elections, but in any case the date of commencement shall be uniform for all members and shall be no later than the first Tuesday after the first Monday in January following each member's election.*

Section 12. Subsection (3) is added to section 101.5611, Florida Statutes, to read:

101.5611 Instructions to electors.—

(3) *The supervisor of elections shall have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years."*

Section 13. Effective upon this act becoming a law, subsections (1) and (4) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)(a) ~~The supervisor may accept a request for an absentee ballot from an elector in person or in writing. or for an elector from any person designated by such elector. Such request may be made in person, by mail, or by telephone.~~ One request shall be deemed sufficient to receive an absentee ballot for all elections which are held within a calendar year, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) *The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:*

1. *The name of the elector for whom the ballot is requested;*
2. *The elector's address;*
3. *The last four digits of the elector's social security number;*
4. *The registration number on the elector's registration identification card;*
5. *The requester's name;*
6. *The requester's address;*
7. *The requester's social security number and, if available, driver's license number;*
8. *The requester's relationship to the elector; and*
9. *The requester's signature (written requests only).*

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. The advance absentee ballot for the

general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(b) As soon as the remainder of the absentee ballots are printed, the supervisor shall provide deliver or mail an absentee ballot to each elector by whom a request for that ballot has been made by one of the following means:-

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor, unless the elector specifies in the request that:

a. The elector is absent from the county and does not plan to return before the day of the election;

b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

c. The elector is in a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility,

in which case the supervisor shall mail the ballot nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

2. By forwardable mail to voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Voting Act.

3. By personal delivery to the elector, upon presentation of the identification required in s. 101.657.

4. By delivery to a designee on election day or up to 4 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

Section 14. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, \_\_\_\_\_, am a qualified and registered voter of \_\_\_\_\_ County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

- 1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.
6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.
7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

(Voter's Signature)

(Last four digits of voter's social security number)

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet. Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, (year), by (name of person making statement). My commission expires this \_\_\_\_\_ day of \_\_\_\_\_, (year).

(Signature of Official)
(Print, Type, or Stamp Name)
(State or Country of Commission)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_
Type of Identification Produced \_\_\_\_\_
OR

b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

(Signature of Witness)

(Printed Name of Witness)

(Voter I.D. Number of Witness and County of Registration)

(Address)

(City/State)

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

## VOTER'S CERTIFICATE

I, ~~(print name)~~, do solemnly swear or affirm that I am a qualified elector in this election, that I am unable to attend the polls on election day, and that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.

\_\_\_\_\_  
(Voter's Signature)

Note: ~~Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in Item 7. of the Instruction Sheet.~~

I swear or affirm that the elector signed this Voter's Certificate in my presence.

\_\_\_\_\_  
(Signature of Witness)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City/State)

Section 15. Section 101.647, Florida Statutes, is created to read:

101.647 Return of absentee ballots.—

(1) Absentee ballots must be returned to the supervisor of elections by the elector, either in person or by mail.

(2) If the elector is unable to mail or personally deliver the ballot, the elector may designate in writing a person who may return the ballot for the elector; however, the person designated may not return more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be returned for members of the designee's immediate family. For purposes of this section, the term "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee must provide to the supervisor the written authorization by the elector and a picture identification of the designee.

Section 16. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.

2. Mark your ballot in secret as instructed on the ballot. *You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.*

3. Place your marked ballot in the enclosed secrecy envelope.

4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

6. VERY IMPORTANT. *In order for your absentee ballot to be counted, you must sign your name on the line above "(Voter's Signature), place the last four digits of your Social Security number in the space provided, and your ballot must be witnessed in either of the following manners:—"*

a. *One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing five ballots per election unless certified as an absentee ballot coordinator. A candidate may not serve as an attesting witness.*

b. *Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.*

7. ~~VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. No candidate may serve as an attesting witness.~~

78. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

8. *FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.*

Section 17. Section 101.657, Florida Statutes, is created to read:

101.657 Voting absentee ballots in person.—*Notwithstanding s. 97.021(1), any qualified and registered elector who is unable to attend the polls on election day may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49.*

Section 18. Effective upon this act becoming a law, section 101.66, Florida Statutes, is created to read:

101.66 Voting absentee ballots.—*All electors must personally mark or designate their choices on the absentee ballot, except:*

(1) *Electors who require assistance to vote because of blindness, disability, or inability to read or write, who may have some person of the elector's choice, other than the elector's employer, an agent of the employer, or an officer or agent of the elector's union, mark the elector's choices or assist the elector in marking his or her choices on the ballot.*

(2) *As otherwise provided in s. 101.051 or s. 101.655.*

Section 19. Section 101.665, Florida Statutes, is amended to read:

101.665 Administration of oaths; military personnel, federal employees, and other absentee registrants.—*For the purposes of this code, oaths may be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, any civilian official empowered by state or federal law to administer oaths, any supervisor of elections, deputy supervisor of elections, or employee of the supervisor of elections when designated by the supervisor of elections, or any civilian employee designated by the head of any department or agency of the United States, except when this code requires an oath to be administered and attested by another official specifically named.*

Section 20. Section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor may compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to determine whether the elector is duly registered in the county and may record on the elector's registration certificate that the elector has voted. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote.

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin upon the opening of the polls on election day. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be made until after the close of the polls on election day.

(b) To ensure that all absentee ballots to be counted by the canvassing board are accounted for, the canvassing board shall compare the number of ballots in its possession with the number of requests for ballots received to be counted according to the supervisor's file or list.

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. An absentee ballot shall be considered illegal if it does not include the signature and the last four digits of the social security number of the elector, as shown by the registration records, and either:

a. The subscription of a notary or officer defined in Item 6.b. of the instruction sheet, or

b. The signature, printed name, address, voter identification number, and county of registration of one attesting witness, who is a registered voter in the state. ~~the signature and address of an attesting witness.~~

However, an absentee ballot shall not be considered illegal if the signature of the elector or attesting witness does not cross the seal of the mailing envelope or if the person witnessing the ballot is in violation of s. 104.047(3). If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

2. If any elector or candidate present believes that an absentee ballot is illegal due to a defect apparent on the voter's certificate, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate may not be accepted after the ballot has been removed from the mailing envelope.

(d) The canvassing board shall record the ballot upon the proper record, unless the ballot has been previously recorded by the supervisor. The mailing envelopes shall be opened and the secrecy envelopes shall be mixed so as to make it impossible to determine which secrecy envelope came out of which signed mailing envelope; however, in any county in which an electronic or electromechanical voting system is used, the ballots may be sorted by ballot styles and the mailing envelopes may be opened and the secrecy envelopes mixed separately for each ballot style. The votes on absentee ballots shall be included in the total vote of the county.

(3) The supervisor or the chair of the county canvassing board shall, after the board convenes, have custody of the absentee ballots until a final proclamation is made as to the total vote received by each candidate.

(4) The supervisor of elections shall, on behalf of the county canvassing board, notify each elector whose ballot was rejected as illegal because of a difference between the elector's signature on the ballot and that on the elector's voter registration record. The supervisor shall mail a voter registration application to the elector to be completed indicating the elector's current signature. This section does not prohibit the supervisor from providing additional methods for updating an elector's signature.

Section 21. Section 101.685, Florida Statutes, is created to read:

101.685 Absentee ballot coordinators.—

(1)(a) At least 28 days before a general or special election, the state executive committee of any political party having a candidate on the ballot may submit to the division a list of persons to be absentee ballot coordinators. Each state executive committee may designate a number of absentee ballot coordinators equal to the number of state Senate districts. However, for a special election for state senator or member of the House of Representatives, each state executive committee may designate no more than 10 absentee ballot coordinators. Absentee ballot coordinators may not be designated for primary elections or for elections involving only municipal or nonpartisan candidates.

(b) The Division of Elections shall investigate the criminal background of each designee. Any designee who has been convicted of a crime relating to elections shall not be certified as an absentee ballot coordinator, and the division shall so notify the designee and the appropriate political party.

(2) The list must contain the full name, address and Florida voter registration number of each absentee ballot coordinator.

(3) An absentee ballot coordinator must submit to the political party the information required in subsection (2) and an affidavit from the absentee ballot coordinator that he or she has read and understands chapter 104.

(4) Certification of an individual as an absentee ballot coordinator under this section is valid until the polls close on the day of the election for which the coordinator is designated, and the state executive committee of a political party submitting a list of absentee ballot coordinators under this section must maintain the records required in subsection (3) for 2 years.

(5) Notwithstanding any other provision of this chapter, an absentee ballot coordinator may witness an unlimited number of absentee ballots in the general or special election for which designated.

Section 22. Subsection (2) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(2) Each member of the election board shall be able to read and write the English language and shall be a registered qualified elector of the county in which the member is appointed or a person who has preregistered to vote, pursuant to s. 97.041(1)(b), in the county in which the member is appointed. No election board shall be composed solely of members of one political party; however, in any primary in which only one party has candidates appearing on the ballot, all clerks and inspectors may be of that party. Any person whose name appears as an opposed candidate for any office shall not be eligible to serve on an election board.

Section 23. Section 104.012, Florida Statutes, is amended to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation; alteration of registration application.—

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a ~~felony~~ ~~misdemeanor~~ of the ~~third~~ ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

(2) A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a ~~felony~~ ~~misdemeanor~~ of the ~~third~~ ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084, and, upon any subsequent conviction, commits a felony of the ~~second~~ ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a ~~felony~~ ~~misdemeanor~~ of the ~~third~~ ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a ~~felony~~ ~~misdemeanor~~ of the ~~third~~ ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 24. Section 104.013, Florida Statutes, is amended to read:

104.013 Unauthorized use, possession, or destruction of voter registration identification card.—

(1) It is unlawful for any person knowingly to have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter registration identification card unless possession by such person has been duly authorized by the supervisor.

(2) It is unlawful for any person to barter, trade, sell, or give away a voter registration identification card unless said person has been duly authorized to issue a registration identification card.

(3) It is unlawful for any person willfully to destroy or deface the registration identification card of a duly registered voter.

(4) Any person who violates any of the provisions of this section commits a ~~felony misdemeanor~~ of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 25. Section 104.045, Florida Statutes, is amended to read:

104.045 Vote selling.—Any person who:

(1) Corruptly offers to vote for or against, or to refrain from voting for or against, any candidate in any election in return for pecuniary or other benefit; or

(2) Accepts a pecuniary or other benefit in exchange for a promise to vote for or against, or to refrain from voting for or against, any candidate in any election,

is guilty of a ~~felony misdemeanor~~ of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 26. Section 104.047, Florida Statutes, is created to read:

104.047 Absentee voting.—

(1) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, except as provided in ss. 101.6105-101.694, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Except as provided in s. 101.62 or s. 101.655, any person who requests an absentee ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person, other than a notary or other officer entitled to administer oaths or an absentee ballot coordinator as provided by s. 101.685, who witnesses more than 5 ballots in any single election, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.66, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who returns more than 2 absentee ballots to the supervisors of elections in violation of s. 101.647 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 27. Subsection (4) of section 104.051, Florida Statutes, is amended to read:

104.051 Violations; neglect of duty; corrupt practices.—

(4) Any supervisor, deputy supervisor, or election employee who attempts to influence or interfere with any elector voting a ballot ~~is guilty of a felony misdemeanor~~ of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 28. Section 104.0515, Florida Statutes, is amended to read:

104.0515 Voting rights; deprivation of, or interference with, prohibited; penalty.—

(1) All citizens of this state who are otherwise qualified by law to vote at any election by the people in this state or in any district, county, city, town, municipality, school district, or other subdivision of this state shall be entitled and allowed to vote at all such elections without distinction according to race, color, or previous condition of servitude, notwithstanding any law, ordinance, regulation, custom, or usage to the contrary.

(2) No person acting under color of law shall:

(a) In determining whether any individual is qualified under law to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under law to other

individuals within the same political subdivision who have been found to be qualified to vote; or

(b) Deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under law to vote in such election. This paragraph shall apply to absentee ballots only if there is a pattern or history of discrimination on the basis of race, color, or previous condition of servitude in regard to absentee ballots.

(3) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or not to vote as that person may choose, or for the purpose of causing such other person to vote for, or not vote for, any candidate for any office at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(4) No voting qualification or prerequisite to voting, and no standard, practice, or procedure, shall be imposed or applied by any political subdivision of this state to deny or abridge the right of any citizen to vote on account of race or color.

(5) Any person who violates the provisions of this section is guilty of a ~~felony misdemeanor~~ of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 29. Subsection (1) of section 104.061, Florida Statutes, is amended to read:

104.061 Corruptly influencing voting.—

(1) Whoever by bribery, menace, threat, or other corruption whatsoever, either directly or indirectly, attempts to influence, deceive, or deter any elector in voting or interferes with him or her in the free exercise of the elector's right to vote at any election ~~commits is guilty of a felony misdemeanor~~ of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084 for the first conviction, and a felony of the ~~second third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any subsequent conviction.

Section 30. Section 104.081, Florida Statutes, is amended to read:

104.081 Threats of employers to control votes of employees.—It ~~is shall be~~ unlawful for any person having one or more persons in his or her service as employees to discharge or threaten to discharge any employee in his or her service for voting or not voting in any election, state, county, or municipal, for any candidate or measure submitted to a vote of the people. Any person who violates the provisions of this section is guilty of a ~~felony misdemeanor~~ of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 31. Section 104.24, Florida Statutes, is amended to read:

104.24 Penalty for assuming name.—~~A person may not~~ ~~No registered elector shall~~, in connection with any part of the election process, fraudulently call himself or herself, or fraudulently pass by, any other name than the name by which the ~~person elector~~ is registered or fraudulently use the name of another in voting. Any person who violates this section is guilty of a ~~felony misdemeanor~~ of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 32. Section 104.42, Florida Statutes, is amended to read:

104.42 Fraudulent registration and illegal voting; investigation.—

(1) The supervisor of elections is authorized to investigate fraudulent registrations and illegal voting and to report his or her findings to the local state attorney and the Florida Elections Commission.

(2) The board of county commissioners in any county may appropriate funds to the supervisor of elections for the purpose of investigating fraudulent registrations and illegal voting.

Section 33. Subsection (2) of section 117.05, Florida Statutes, is amended to read:



117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(2)(a) The fee of a notary public may not exceed \$10 for any one notarial act, except as provided in s. 117.04.

(b) A notary public may not charge a fee for witnessing an absentee ballot in an election, and must witness such a ballot upon the request of an elector, provided the notarial act is in accordance with the provisions of this chapter.

Section 34. Section 106.25, Florida Statutes, is amended to read:

106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.—

(1) Jurisdiction to investigate and determine violations of this chapter and chapter 104 is vested in the Florida Elections Commission; however, nothing in this section limits the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) The commission shall investigate all violations of this chapter and chapter 104, but only after having received either a sworn complaint or information reported to it by the Division of Elections. Any person, other than the division, having information of any violation of this chapter or chapter 104 shall file a sworn complaint with the commission. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator. 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.

(3) For the purposes of commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter or chapter 104 or the willful failure to perform an act required by this chapter or chapter 104.

(4) The commission shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred. Upon completion of the preliminary investigation, the commission shall, by written report, find probable cause or no probable cause to believe that this chapter or chapter 104 ~~s. 104.271~~ has been violated.

(a) If no probable cause is found, the commission shall dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator.

(b) If probable cause is found, the commission shall so notify the complainant and the alleged violator in writing. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

In a case where probable cause is found, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred.

(5) When there are disputed issues of material fact in a proceeding conducted under ss. 120.569 and 120.57, a person alleged by the Elections Commission to have committed a violation of this chapter or chapter 104 ~~the Florida Election Code~~ may elect, within 30 days after the date of the filing of the commission's allegations, to have a hearing conducted by an administrative law judge in the Division of Administrative Hearings.

(6) It is the duty of a state attorney receiving a complaint referred by the commission to investigate the complaint promptly and thoroughly; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of such investigation, the action taken, and the disposition thereof. The failure or refusal of a state

attorney to prosecute or to initiate action upon a complaint or a referral by the commission shall not bar further action by the commission under this chapter.

(7) Every sworn complaint filed pursuant to this chapter with the commission, every investigation and investigative report or other paper of the commission with respect to a violation of this chapter or chapter 104, and every proceeding of the commission with respect to a violation of this chapter or chapter 104 is confidential, is exempt from the provisions of ss. 119.07(1) and 286.011, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation, except under the following circumstances:

(a) As provided in subsection (6);

(b) Upon a determination of probable cause or no probable cause by the commission; or

(c) For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter or chapter 104, the commission may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 35. Subsection (11) of section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(11) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter or chapter 104 has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

Section 36. Subsections (1) and (2) of section 106.265, Florida Statutes, are amended to read:

106.265 Civil penalties.—

(1) The commission is authorized upon the finding of a violation of this chapter or chapter 104 to impose civil penalties in the form of fines not to exceed \$1,000 per count. In determining the amount of such civil penalties, the commission shall consider, among other mitigating and aggravating circumstances:

(a) The gravity of the act or omission;

(b) Any previous history of similar acts or omissions;

(c) The appropriateness of such penalty to the financial resources of the person, political committee, committee of continuous existence, or political party; and

(d) Whether the person, political committee, committee of continuous existence, or political party has shown good faith in attempting to comply with the provisions of this chapter *or chapter 104*.

(2) If any person, political committee, committee of continuous existence, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the *Department of Revenue State Comptroller* shall be responsible for collecting the civil penalties resulting from such action.

Section 37. Subsections (1) and (3) of section 106.27, Florida Statutes, are amended to read:

106.27 Determinations by commission; legal disposition.—

(1) Criminal proceedings for violations of this chapter *or chapter 104* may be brought in the appropriate court of competent jurisdiction. Any such action brought under this chapter *or chapter 104* shall be advanced on the docket of the court in which filed and put ahead of all other actions.

(3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter *or chapter 104*. Such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which is located the officer before whom the candidate qualified for office.

Section 38. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.—

(1) The property appraiser shall examine each claim for exemption filed with or referred to him or her and shall allow the same, if found to be in accordance with law, by marking the same approved and by making the proper deductions on the tax books.

(2) *The property appraiser shall examine each referral, of a person registering to vote at an address different from the one where the person has filed for a homestead exemption, which has been provided by a supervisor of elections pursuant to s. 98.015. The property appraiser shall initiate procedures to terminate a person's homestead exemption and assess back taxes, if appropriate, if the person claiming such exemption is not entitled to the exemption under law.*

Section 39. *The sum of \$4 million is appropriated from the General Revenue Fund to the Division of Elections of the Department of State for the purpose of meeting its obligations under this act.*

Section 40. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: 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. 98.015, F.S.; requiring supervisors of elections to notify property appraisers of voters who are registered at an address other than the voters homestead address; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.052, F.S.; modifying uniform statewide voter registration application; amending s. 97.053, F.S.; amending the standards for accepting the uniform statewide voter registration application; creating s. 97.056, F.S.; providing that persons who register to vote by mail must vote in person at first election after registration; providing exceptions; amending s. 97.071, F.S.; providing that voter registration cards be mailed to the legal residence address on the voter registration form; providing exceptions; creating s. 98.0975, F.S.; providing periodic list maintenance to the central voter file; amending s. 98.461, F.S.; providing forms of picture identification included on precinct register; amending s. 98.471, F.S.; requiring photo identification to vote at the polls; providing an exception; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.5611, F.S.; requiring a notice of penalties for voting fraud be posted at each polling place; amending s. 101.62, F.S.; restricting telephone requests for absentee

ballots; revising 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 from the voter and the witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising instructions to absentee electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absentee voters to personally mark their ballot; providing exceptions; amending s. 101.665, F.S.; providing that supervisors of elections and other specified persons may administer oaths; amending s. 101.68, F.S.; relating to canvassing of absentee ballots; revising the requirements for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots are rejected; creating s. 101.685, F.S.; providing for designation of absentee ballot coordinators to witness absentee ballots; amending s. 102.012, F.S.; providing that persons who are preregistered to vote may serve on election boards; amending s. 104.012, F.S.; increasing the penalty for paying someone to register, interfering with registration, paying someone to solicit registrations on a contingent fee basis, or altering a voter registration; amending s. 104.013, F.S.; increasing the penalty for unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.045, F.S.; increasing the penalty for vote selling; creating s. 104.47, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.051, F.S.; increasing the penalty for an election official interfering with voting; amending s. 104.0515, F.S.; increasing the penalty for deprivation of voting rights; amending s. 104.061; 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 using a false name in connection with voting; amending s. 104.42, F.S.; authorizing supervisors of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; providing that a notary may not charge a fee for witnessing an absentee ballot and may not refuse to witness an absentee ballot; 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 a time period for filing complaints with the commission; providing for civil penalties; amending s. 196.141, F.S.; requiring property appraiser examine the homestead exemption of persons referred by the supervisor of elections to determine lawfulness and to initiate procedures to terminate the exemption and assess back taxes if appropriate; providing an appropriation; providing an effective date.

On motion by Senator Silver, the rules were waived by two-thirds vote and the Conference Committee Report on **CS for SB 1402** was read the second time.

On motion by Senator Silver, the Conference Committee Report was adopted and **CS for SB 1402** passed as recommended and by two-thirds vote was immediately certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—30

Madam President	Crist	Horne	Myers
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Lee	Turner
Clary	Gutman	McKay	
Cowin	Harris	Meadows	

Nays—9

Casas	Hargrett	Laurent	Thomas
Childers	Holzendorf	Ostalkiewicz	Williams
Dudley			

**CONSIDERATION OF BILLS  
ON THIRD READING, continued**

**CS for CS for SB 2288**—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 984.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an

intake counselor or case manager; amending s. 985.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; providing that penalties imposed for an escape from detention or a commitment facility apply to a juvenile who escapes from a maximum-risk residential facility; conforming cross-references to changes made by the act; amending ss. 985.207, 985.208, F.S., relating to conditions for taking a juvenile into custody and detention; conforming provisions to changes made by the act; amending s. 985.209, F.S.; providing for the Department of Juvenile Justice to establish juvenile assessment centers; providing for the centers to be operated through cooperative agreements with other state agencies; providing for intake and screening services; amending ss. 985.21, 985.211, F.S.; providing for certain functions formerly considered case-management functions to be probation functions; amending s. 985.215, F.S.; conforming terminology to changes made by the act; requiring that a juvenile held in secure detention awaiting dispositional placement meet certain criteria for detention; amending s. 985.216, F.S.; deleting a provision authorizing placement of a juvenile in a secure residential commitment facility for direct or indirect contempt of court; amending s. 985.223, F.S.; revising procedures for determining competency in juvenile delinquency cases; prescribing duties of courts, the Department of Juvenile Justice, and the Department of Children and Family Services; amending ss. 985.226, 985.23, F.S., relating to criteria for waiver of jurisdiction and disposition hearings in delinquency cases; conforming provisions to changes made by the act; amending s. 985.231, F.S.; providing for placing a juvenile on home detention with electronic monitoring if a residential consequence unit is not available; amending ss. 985.301, 985.304, F.S., relating to civil citations and community arbitration; conforming provisions to changes made by the act; deleting certain references to case-management services; amending s. 985.307, F.S.; extending the period during which the Department of Juvenile Justice is authorized to operate juvenile assignment centers; providing for pre-adjudicatory assessments; amending ss. 985.31, 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 944.401, F.S., relating to the offense of escaping from secure detention or a residential commitment facility; conforming a cross-reference; amending s. 985.406, F.S., relating to juvenile justice training academies; conforming provisions to changes made by the act; amending s. 985.412, F.S.; relating to quality assurance; requiring evaluation of each program operated by the department; requiring program changes and notification to the Executive Office of the Governor and Legislature of corrective action, under specified circumstances when a department-operated program fails to meet established minimum thresholds; providing for appropriate corrective action, including disciplinary action against employees under specified circumstances; providing for the Department of Juvenile Justice to ensure the reliability of the annual report; amending s. 985.413, F.S.; increasing the number of consecutive terms that may be served by a member of a district juvenile justice board; deleting an exemption from such limitation; amending s. 985.414, F.S.; specifying the parties to be included in an interagency agreement for developing a county juvenile justice plan; amending s. 985.415, F.S.; revising eligibility requirements for a Community Juvenile Justice Partnership Grant; amending s. 938.19, F.S.; authorizing the assessment of certain fees for the purpose of operating and administering a teen court, notwithstanding certain contrary provisions; providing effective dates.

—as amended April 23 was read the third time by title.

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

**Amendment 1**—On page 69, line 26, delete "16" and insert: 17

On motions by Senator Gutman, **CS for CS for SB 2288** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	
McKay	Rossin	Thomas	

Nays—None

**MOTION**

On motion by Senator Bankhead, by two-thirds vote **SB 2040** was placed on the Consent Calendar for this day.

**RECESS**

On motion by Senator Bankhead, the Senate recessed at 12:22 p.m. to reconvene at 1:15 p.m.

**AFTERNOON SESSION**

**SENATOR BURT PRESIDING**

The Senate was called to order by Senator Burt at 1:24 p.m. A quorum present—29:

Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Cowin	Hargrett	McKay	
Crist	Harris	Meadows	
Dudley	Horne	Ostalkiewicz	

**CONSENT CALENDAR**

**CS for SB 140**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for certain records furnished pursuant to certain housing assistance programs; providing a statement of public necessity; providing for future review and repeal; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 140** to **CS for HB 1613**.

Pending further consideration of **CS for SB 140** as amended, on motion by Senator Forman, by two-thirds vote **CS for HB 1613** was withdrawn from the Committee on Community Affairs.

On motion by Senator Forman—

**CS for HB 1613**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for certain records furnished pursuant to certain housing assistance programs; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 140** as amended and read the second time by title. On motions by Senator Forman, by two-thirds vote **CS for HB 1613** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—29

Bronson	Crist	Gutman	Latvala
Brown-Waite	Dudley	Hargrett	Laurent
Burt	Dyer	Harris	Lee
Campbell	Forman	Horne	McKay
Casas	Geller	Kirkpatrick	Meadows
Cowin	Grant	Klein	Ostalkiewicz

Rossin Sullivan Turner Williams  
Silver

Nays—None

Vote after roll call:

Yea—Childers

On motion by Senator Meadows, by two-thirds vote **CS for HB 767** was withdrawn from the Committees on Criminal Justice and Judiciary.

On motion by Senator Meadows—

**CS for HB 767**—A bill to be entitled An act relating to violations involving checks; amending s. 68.065, F.S.; providing for triple damages, court costs, and attorney’s fees with respect to certain civil actions to recover fines due on stop payments on checks, drafts, or orders of payment; amending s. 166.251, F.S.; revising language with respect to service fee for dishonored checks; amending s. 832.07, F.S., relating to prima facie evidence of identity with regard to prosecution of bad check charges; removing “race” as a required element of establishing the identity of the person presenting the check; providing an effective date.

—a companion measure, was substituted for **SB 212** and read the second time by title. On motions by Senator Meadows, by two-thirds vote **CS for HB 767** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Consideration of **CS for SB 244** and **SB 354** was deferred.

**CS for SB 418**—A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.29, F.S.; deleting requirement for appointment based upon race or gender and requiring consideration of those factors in making appointments; providing for the judicial nominating commission of a judicial circuit to include among its members and electors at least one resident from each county within the judicial circuit; providing an effective date.

—was read the second time by title. On motions by Senator Bronson, by two-thirds vote **CS for SB 418** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

On motion by Senator Ostalkiewicz, by two-thirds vote **CS for CS for HB 1093** was withdrawn from the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Community Affairs.

On motion by Senator Ostalkiewicz—

**CS for CS for HB 1093**—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 holds a continuing care contract, 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.

—a companion measure, was substituted for **CS for SB 636** and read the second time by title. On motions by Senator Ostalkiewicz, by two-thirds vote **CS for CS for HB 1093** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

**SB 790**—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating an Everglades River of Grass license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

**Amendment 1**—On page 2, lines 14-17, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

On motions by Senator Crist, by two-thirds vote **SB 790** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

**CS for SB 794**—A bill to be entitled An act relating to violations of traffic law; amending s. 318.18, F.S.; prescribing additional assessments to be made by courts with respect to traffic infractions to be used to fund law enforcement education and training; amending s. 316.1935, F.S.; providing that it is a third-degree felony for a person to willfully flee or attempt to elude a law enforcement officer in a marked patrol vehicle; providing that, it is a second-degree felony for a person to drive at high speed, or in any manner demonstrating a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer in a marked patrol vehicle;

providing that the offense of aggravated fleeing or eluding a law enforcement officer is a second-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; revising the ranking of such offenses to conform to changes made by the act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform CS for SB 794 to HB 4059.

Pending further consideration of CS for SB 794 as amended, on motion by Senator Dudley, by two-thirds vote HB 4059 was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Dudley—

HB 4059—A bill to be entitled An act relating to violations of traffic law; amending s. 316.1935, F.S.; providing that it is a third-degree felony for a person to willfully flee or attempt to elude a law enforcement officer in a marked patrol vehicle; providing that, it is a second-degree felony for a person to drive at high speed, or in any manner demonstrating a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer in a marked patrol vehicle; providing that the offense of aggravated fleeing or eluding a law enforcement officer is a second-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; revising the ranking of such offenses to conform to changes made by the act; providing an effective date.

—a companion measure, was substituted for CS for SB 794 as amended and read the second time by title. On motions by Senator Dudley, by two-thirds vote HB 4059 was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	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

On motion by Senator Cowin, by two-thirds vote HB 1705 was withdrawn from the Committees on Judiciary; and Rules and Calendar.

On motion by Senator Cowin—

HB 1705—A bill to be entitled An act relating to access to the courts for vulnerable elders; providing legislative findings and intent; defining the term “elder”; requesting the Judicial Management Council or another court committee to evaluate the accessibility of the courts to elders and make recommendations to improve the responsiveness of the courts; providing an effective date.

—a companion measure, was substituted for SB 828 and read the second time by title. On motions by Senator Cowin, by two-thirds vote HB 1705 was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Silver Thomas Turner Williams  
Sullivan  
Nays—None

SB 884—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; revising provisions which authorize imposition of an additional tax to pay debt service on bonds issued to finance construction or renovation of a professional sports franchise facility or convention center; removing a condition on use of tax revenues for a convention center; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with title amendment)—On page 2, lines 5-7, delete those lines and insert:

3. Pay the operation and maintenance costs of a convention center for a period of up to 10 years. Only counties that have elected to levy the tax for the purposes authorized in subparagraph 2. may use the tax for the purposes enumerated in this subparagraph.

~~3.—Only counties that have elected to levy the tax initially for the purposes authorized in subparagraph 1. may use the tax for the purposes enumerated in subparagraph 2.~~

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: authorizing use of tax revenues for operation and maintenance of a convention center for a specified period;

On motions by Senator Clary, by two-thirds vote SB 884 as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

Burt	Cowin	Ostalkiewicz
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On motion by Senator Campbell, by two-thirds vote HB 3271 was withdrawn from the Committee on Criminal Justice.

On motion by Senator Campbell—

HB 3271—A bill to be entitled An act relating to grand juries; amending s. 905.01, F.S.; increasing the maximum number of persons which may be appointed to serve on a grand jury; providing an effective date.

—a companion measure, was substituted for SB 950 and read the second time by title. On motions by Senator Campbell, by two-thirds vote HB 3271 was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Bronson	Clary	Geller	Horne
Brown-Waite	Cowin	Grant	Kirkpatrick
Burt	Crist	Gutman	Klein
Campbell	Dudley	Hargrett	Kurth
Casas	Dyer	Harris	Latvala
Childers	Forman	Holzendorf	Laurent

Lee	Myers	Scott	Thomas
McKay	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams

Nays—None

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

Nays—None

On motion by Senator Grant, by two-thirds vote **HB 3799** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

**COMMUNICATION**

On motion by Senator Dyer, the following communication was ordered spread upon the Journal:

Honorable John H. Dyer  
Democratic Leader  
The Florida Senate

April 24, 1998

Dear Senator Dyer:

It has been brought to my attention that there may be an administrative problem with some language contained in the engrossed version of House Bill 3901 relating to the release of lottery revenues to school districts which do not comply with section 229.58(1), Florida Statutes. That section relates to the composition of School Advisory Councils. With the implementation date of the bill being July 1, 1998, schools may be adversely affected without having an opportunity to revise the composition of the councils prior to the end of the school year. Unless the legislature directs the department otherwise, the Department of Education will continue to release the funds to the districts on a monthly basis, as we currently do, and give the schools and school districts an opportunity to comply with the law. Since the department is required in section 229.592(4) to provide technical assistance to schools on the composition of School Advisory Councils, we would not consider the schools to be out of compliance until such time as technical assistance was provided.

I hope this provides with you sufficient information. Please let me know if you have any questions.

Sincerely,  
*Frank T. Brogan*  
Commissioner of Education

On motion by Senator Grant—

**HB 3799**—A bill to be entitled An act relating to community colleges; amending ss. 239.117 and 240.35, F.S.; authorizing community colleges to bond capital improvement fees for financing or refinancing equipment, renovation, or remodeling of educational facilities; limiting terms; providing additional allowable uses; amending s. 240.319, F.S.; authorizing community college boards of trustees to issue revenue bonds for the purpose of equipment, renovation, or remodeling of educational facilities; providing an effective date.

—a companion measure, was substituted for **CS for SB 962** and read the second time by title.

**THE PRESIDENT PRESIDING**

On motions by Senator Grant, by two-thirds vote **HB 3799** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Childers

On motion by Senator Dyer, by two-thirds vote **HB 3901** was withdrawn from the Committees on Education; and Ways and Means.

**SB 1306**—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Protect Wild Dolphins license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

Senator Kurth moved the following amendment which was adopted:

**Amendment 1**—On page 2, lines 19-22, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

On motions by Senator Kurth, by two-thirds vote **SB 1306** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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

On motion by Senator Dyer—

**HB 3901**—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; providing an additional requirement for school district receipt of lottery funds; amending s. 229.58, F.S.; providing a name requirement for school advisory councils and providing council responsibilities and duties; providing for certain council review; providing for the use of funds; amending s. 229.592, F.S., relating to school improvement and education accountability; conforming provisions relating to release of funds to school districts; requiring notice of certain deficiency; amending s. 230.23, F.S., relating to school board duties; providing requirements for school improvement plans; requiring local-level decisionmaking policies; providing an effective date.

—a companion measure, was substituted for **CS for SB 1158** and read the second time by title. On motions by Senator Dyer, by two-thirds vote **HB 3901** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Campbell	Cowin	Dyer
Bronson	Casas	Crist	Forman
Brown-Waite	Childers	Diaz-Balart	Geller
Burt	Clary	Dudley	Grant

**CS for CS for SB 1366**—A bill to be entitled An act relating to motor vehicles; amending s. 521.004, F.S.; modifying the disclosure form for a motor vehicle lease; amending s. 681.102, F.S.; modifying definitions applicable to motor vehicle sales warranties; providing an effective date.

—was read the second time by title. On motions by Senator Klein, by two-thirds vote **CS for CS for SB 1366** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

**SB 1750**—A bill to be entitled An act relating to the Old Keys Bridges located in Monroe County; amending chapter 86-304, Laws of Florida; providing legislative intent; providing that title to the bridges shall be held by the Board of Trustees of the Internal Improvement Trust Fund; providing an exception; authorizing rather than requiring the board to offer certain leases with respect to the bridges; revising language with respect to such leases; limiting commercial use of the bridges; eliminating obsolete language with respect to appropriations; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Silver and adopted:

**Amendment 1**—On page 3, lines 15 and 16, delete those lines and insert: Such leases shall not create any third party

On motions by Senator Silver, by two-thirds vote **SB 1750** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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

**SB 1776**—A bill to be entitled An act relating to The Florida Sexual Predators Act; amending s. 775.21, F.S.; providing an additional requirement with respect to the duty of law enforcement agencies to inform the community and the public of the presence of a sexual predator; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1776** to **HB 3737**.

Pending further consideration of **SB 1776** as amended, on motion by Senator Holzendorf, by two-thirds vote **HB 3737** was withdrawn from the Committees on Criminal Justice and Community Affairs.

On motion by Senator Holzendorf—

**HB 3737**—A bill to be entitled An act relating to The Florida Sexual Predators Act; amending s. 775.21, F.S.; providing an additional requirement with respect to the duty of law enforcement agencies to inform the community and the public of the presence of a sexual predator; providing an effective date.

—a companion measure, was substituted for **SB 1776** as amended and read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

**Amendment 1**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (7) of section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act; definitions; legislative findings, purpose, and intent; criteria; designation; registration; community and public notification; immunity; penalties.—

(7) COMMUNITY AND PUBLIC NOTIFICATION.—

(a) Law enforcement agencies must inform the community and the public of a sexual predator's presence. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. *Within 48 hours after receiving notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify each licensed day care center, elementary school, middle school, and high school within a 1-mile radius of the temporary or permanent residence of the sexual predator of the presence of the sexual predator.* Information provided to the community and the public regarding a sexual predator must include:

1. The name of the sexual predator;
2. A description of the sexual predator, including a photograph;
3. The sexual predator's current address, including the name of the county or municipality if known;
4. The circumstances of the sexual predator's offense or offenses; and
5. Whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult.

This paragraph does not authorize the release of the name of any victim of the sexual predator.

(c) The department shall notify the public of all designated sexual predators through the Internet. The Internet notice shall include the information required by paragraph (a).

Section 2. This act shall take effect July 1, 1998.

On motions by Senator Holzendorf, by two-thirds vote **HB 3737** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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

On motion by Senator Burt, by two-thirds vote **CS for CS for HB 3265** was withdrawn from the Committees on Natural Resources; Transportation; and Ways and Means.

On motion by Senator Burt—

**CS for CS for HB 3265**—A bill to be entitled An act relating to boating safety and emergency responses; creating the “Kelly Johnson Act”; amending s. 316.003, F.S.; redefining the term “authorized emergency vehicles” to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term “operate” with respect to vessels; amending s. 327.03, F.S.; directing the Department of Highway Safety and Motor Vehicles to keep certain records and perform certain duties; amending s. 327.352, F.S.; revising language with respect to the operation of a vessel while under the influence; providing legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35215, F.S.; restoring a penalty for refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations and equipment and lighting requirements to clarify responsibility for compliance; creating s. 327.355, F.S.; prohibiting the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; providing penalties; defining the term “conviction” for purposes of the section; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB's 1794 and 2200** and read the second time by title.

Senator Burt moved the following amendment:

**Amendment 1 (with title amendment)**—On page 2, line 9 through page 11, line 29, delete all those lines and insert:

Section 2. Subsection (1) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) **AUTHORIZED EMERGENCY VEHICLES.**—Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, *the Department of Environmental Protection*, and the Department of Transportation as are designated or authorized by *their respective* the department or the chief of police of an incorporated city or any sheriff of any of the various counties.

Section 3. Subsection (24) of section 327.02, Florida Statutes, is amended to read:

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(24) “Operate” means to be in *charge of or in command of or in the actual physical control of a vessel upon the waters of this state, or to exercise control over or to have responsibility for a vessel's navigation or safety while the vessel is underway upon the waters of this state, or to control or steer a vessel being towed by another vessel upon the waters of the state; provided, however, that this definition shall not apply to a person on a vessel that is docked or otherwise made fast to the shore and shall not apply to a vessel owner or operator who designates a driver pursuant to s. 327.35.*

Section 4. Effective April 1, 1999, subsection (2) of section 327.03, Florida Statutes, is amended to read:

327.03 Administration of vessel registration and titling laws; records.—

(2) The Department of Highway Safety and Motor Vehicles shall keep records and perform such other clerical duties *as required* pertaining to:

(a) Vessel registration and titling ~~as required~~.

(b) *Suspension of the vessel operating privilege under ss. 327.35-327.355.*

Section 5. Paragraphs (a) and (c) of subsection (1) of section 327.352, Florida Statutes, are amended to read:

327.352 Breath, blood, and urine tests for alcohol, chemical substances, or controlled substances; implied consent; right to refuse.—

(1)(a) *The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by so operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath, and to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages, chemical substances, or controlled substances. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of one type of test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath or urine, or both, will result in a civil penalty of \$500. The refusal to submit to a chemical or physical breath or urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.*

(c) Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term “other medical facility” includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. *Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of \$500. The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.*

Section 6. Section 327.35215, Florida Statutes, is created to read:

327.35215 *Penalty for failure to submit to test.*—

(1) *A person who is lawfully arrested for an alleged violation of s. 327.35 and who refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352 is subject to a civil penalty of \$500.*

(2) *When a person refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352, a law enforcement officer who is authorized to make arrests for violations of this chapter shall file with the clerk of the court, on a form provided by the department, a certified statement that probable cause existed to arrest the person for a violation of s. 327.35 and that the person refused to submit to a test as required by s. 327.352.*



Along with the statement, the officer must also submit a sworn statement on a form provided by the department that the person has been advised of both the penalties for failure to submit to the blood, breath, or urine test and the procedure for requesting a hearing.

(3) A person who has been advised of the penalties pursuant to subsection (2) may, within 30 days afterwards, request a hearing before a county court judge. A request for a hearing tolls the period for payment of the civil penalty, and, if assessment of the civil penalty is sustained by the hearing and any subsequent judicial review, the civil penalty must be paid within 30 days after final disposition. The clerk of the court shall notify the department of the final disposition of all actions filed under this section.

(4) It is unlawful for any person who has not paid a civil penalty imposed pursuant to this section, or who has not requested a hearing with respect to the civil penalty, within 30 calendar days after receipt of notice of the civil penalty to operate a vessel upon the waters of this state. Violation of this subsection is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Moneys collected by the clerk of the court pursuant to this section shall be disposed of in the following manner:

(a) If the arresting officer was employed or appointed by a state law enforcement agency except the Game and Fresh Water Fish Commission, the moneys shall be deposited into the Marine Resources Conservation Trust Fund.

(b) If the arresting officer was employed or appointed by a county or municipal law enforcement agency, the moneys shall be deposited into the law enforcement trust fund of that agency.

(c) If the arresting officer was employed or appointed by the Game and Fresh Water Fish Commission, the money shall be deposited into the State Game Trust Fund.

Section 7. Section 327.50, Florida Statutes, is amended to read:

327.50 Vessel safety regulations; equipment and lighting requirements.—

(1)(a) The owner and operator of every vessel on the waters of this state shall carry, store, maintain, and use safety equipment in accordance with current United States Coast Guard safety equipment requirements as specified in the Code of Federal Regulations, unless expressly exempted by the department state law.

(b) No person shall operate a vessel less than 26 feet in length on the waters of this state unless every person under 6 years of age on board the a motorboat, sailboat, or vessel is wearing which measures less than 26 feet in length shall wear a type I, type II, or type III Coast Guard approved personal flotation device while such motorboat, sailboat, or vessel is underway. For the purpose of this section, "underway" shall mean at all times except when a motorboat, sailboat, or vessel is anchored, moored, made fast to the shore, or aground.

(2) No person shall operate a vessel on the waters of this state unless said vessel is equipped with properly serviceable Every vessel on the waters of this state shall display the lights and shapes required by the navigation rules.

(3) The use of sirens or flashing, occulting, or revolving red or blue emergency lights on any vessel is prohibited, except as expressly provided in the navigation rules or annexes thereto on a vessel operated by a law enforcement officer or fire protection officer in the performance of his or her official duties or on a vessel engaged in emergency rescue activity.

Section 8. Section 327.355, Florida Statutes, is created to read:

327.355 Operation of vessels by persons under 21 years of age who have consumed alcoholic beverages.—

(1)(a) Notwithstanding s. 327.35, it is unlawful for a person under the age of 21 who has a breath-alcohol level of 0.02 percent or higher to operate or be in actual physical control of a vessel.

(b) A law enforcement officer who has probable cause to believe that a vessel is being operated by or is in the actual physical control of a person

who is under the age of 21 while under the influence of alcoholic beverages or who has any breath-alcohol level may lawfully detain such a person and may request that person to submit to a test to determine his or her breath-alcohol level. If the person under the age of 21 refuses to submit to such testing, the law enforcement officer shall warn the person that failure to submit to the breath test will result in the required performance of 50 hours of public service and that his or her vessel operating privilege will be suspended until the public service is performed. Failure or refusal to submit to a breath test after this warning is a violation of this section.

(2) Any person under the age of 21 who accepts the privilege extended by the laws of this state of operating a vessel upon the waters of this state, by so operating such vessel, is deemed to have expressed his or her consent to the provisions of this section.

(3) A breath test to determine breath-alcohol level pursuant to this section may be conducted as authorized by s. 316.1932 or s. 327.352, or by a preliminary alcohol screening test device listed in the United States Department of Transportation's conforming-product list of evidential breath-measurement devices. The reading from such a device is admissible in evidence in any trial or hearing.

(4) A violation of this section is a noncriminal infraction and being detained pursuant to this section does not constitute an arrest. This section does not bar prosecution under s. 327.35 and the penalties provided herein shall be imposed in addition to any other penalty provided for boating under the influence or for refusal to submit to testing.

(5) Any person who is convicted of a violation of subsection (1) shall be punished as follows:

(a) The court shall order the defendant to participate in public service or a community work project for a minimum of 50 hours;

(b) The court shall order the defendant to refrain from operating any vessel until the 50 hours of public service or community work has been performed; and

(c) Enroll in, attend, and successfully complete a boating safety course that meets minimum standards established by the department by rule.

(6) For the purposes of this section, "conviction" means a finding of guilt or the acceptance of a plea of guilty or nolo contendere, regardless of whether or not adjudication was withheld. Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold imposition of sentence for any violation of this section. Any person who operates any vessel on the waters of this state while his or her vessel operating privilege is suspended pursuant to this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. Effective October 1, 1998, section 327.731, Florida Statutes, is amended to read:

327.731 Mandatory education for violators.—

(1) Every The court shall require any person convicted of a criminal violation of this chapter, every any person convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, and every any person convicted of two a noncriminal infractions infraction as defined in s. 327.73(1)(h) through (k), (m) through (p), (s), and (t), said infractions occurring within a 12-month period, must (f) through (n), excepting (j), to:

(a) Enroll in, attend, and successfully complete, at his or her own expense, a boating safety course that meets minimum standards established by the department by rule; however, the department may provide by rule for waivers of the attendance requirement for violators residing in areas where classroom presentation of the course is not available;

(b) File with the court and the department within 90 days proof of successful completion of the course;

(c) Refrain from operating a vessel until he or she has filed the proof of successful completion of the course with the court and the department.

Any person who has successfully completed an approved boating course shall be exempt from these provisions upon showing proof to the court and the department as specified in paragraph (b).

(2) For the purposes of this section, "conviction" means a finding of guilt, or the acceptance of a plea of guilty or nolo contendere, regardless of whether or not adjudication was withheld or whether imposition of sentence was withheld, deferred, or suspended. Any person who operates a vessel on the waters of this state in violation of the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) *The department shall print on the reverse side of the defendant's copy of the boating citation a notice of the provisions of this section. Upon conviction, the clerk of the court shall notify the defendant that it is unlawful for him or her to operate any vessel until he or she has complied with this section, but failure of the clerk of the court to provide such a notice shall not be a defense to a charge of unlawful operation of a vessel under subsection (2).*

Section 10. Subsection (10) is added to section 327.35, Florida Statutes, to read:

327.35 Boating under the influence; penalties.—

(10) *It is the intent of the Legislature to encourage boaters to have a "designated driver" who does not consume alcoholic beverages.*

Section 11. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 4 through page 2, line 3, delete those lines and insert: amending s. 316.003, F.S.; redefining the term "authorized emergency vehicles" to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term "operate" with respect to vessels; amending s. 327.03, F.S.; directing the Department of Highway Safety and Motor Vehicles to keep certain records and perform certain duties; amending s. 327.352, F.S.; revising provisions with respect to the operation of a vessel while under the influence; providing legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35215, F.S.; restoring a penalty for refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations and equipment and lighting requirements to clarify responsibility for compliance; creating s. 327.355, F.S.; prohibiting the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; providing penalties; defining the term "conviction" for purposes of the section; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; amending s. 327.35, F.S.; providing legislative intent; providing effective dates.

On motion by Senator Burt, further consideration of **CS for CS for HB 3265** with pending **Amendment 1** was deferred.

**CS for CS for SB 1846**—A bill to be entitled An act relating to air carriers; directing the Department of Management Services to evaluate the state contract for air carrier service for state employees, to undertake a pilot program, and to adopt purchasing guidelines; directing the Office of Program Policy Analysis and Government Accountability to review the impact of the pilot program and report to the Legislature; authorizing the department to reinstate certain contracts under certain circumstances; directing Enterprise Florida, Inc., to complete a review of the impact of regional airports on economic development in the state; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1846** to **CS for HB 3393**.

Pending further consideration of **CS for CS for SB 1846** as amended, on motion by Senator Williams, by two-thirds vote **CS for HB 3393** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Williams—

**CS for HB 3393**—A bill to be entitled An act relating to air carriers; directing the Department of Management Services to evaluate the state

contract for air carrier service for state employees, undertake a pilot program, and adopt purchasing guidelines; directing the Office of Program Policy Analysis and Government Accountability to review the impact of the pilot program and report to the Legislature; authorizing the department to reinstate certain contracts under certain circumstances; directing Enterprise Florida, Inc., to complete a review of the impact of regional airports on economic development in the State of Florida; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1846** as amended and read the second time by title. On motions by Senator Williams, by two-thirds vote **CS for HB 3393** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

On motion by Senator Silver, by two-thirds vote **CS for CS for HB 1021** was withdrawn from the Committees on Banking and Insurance; and Health Care.

On motion by Senator Silver—

**CS for CS for HB 1021**—A bill to be entitled An act relating to health care; amending s. 627.6472, F.S., and creating s. 641.3923, F.S.; prohibiting exclusive provider organizations and health maintenance organizations from discriminating against participation by licensed and certified advanced registered nurse practitioners, solely on the basis of such license or certification; providing an effective date.

—a companion measure, was substituted for **CS for SB 2146** and read the second time by title. On motions by Senator Silver, by two-thirds vote **CS for CS for HB 1021** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**SB 2276**—A bill to be entitled An act relating to Florida School Improvement and Academic Achievement Trust Fund grants; amending s. 236.1229, F.S.; revising funding, allocation, and district-level administration; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 2276** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

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

Yeas—38			
Madam President	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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			

Nays—None

The Senate resumed consideration of—

**CS for CS for HB 3265**—A bill to be entitled An act relating to boating safety and emergency responses; creating the “Kelly Johnson Act”; amending s. 316.003, F.S.; redefining the term “authorized emergency vehicles” to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term “operate” with respect to vessels; amending s. 327.03, F.S.; directing the Department of Highway Safety and Motor Vehicles to keep certain records and perform certain duties; amending s. 327.352, F.S.; revising language with respect to the operation of a vessel while under the influence; providing legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35215, F.S.; restoring a penalty for refusal to submit to chemical testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations and equipment and lighting requirements to clarify responsibility for compliance; creating s. 327.355, F.S.; prohibiting the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; providing penalties; defining the term “conviction” for purposes of the section; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; providing effective dates.

—with pending **Amendment 1** by Senator Burt.

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

**Amendment 1A**—On page 2, line 19, delete “April 1, 1999” and insert: January 1, 1999

**Amendment 1** as amended was adopted.

On motions by Senator Burt, by two-thirds vote **CS for CS for HB 3265** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	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	

Nays—None

**SB 2040**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; requiring the department to establish a residential-tree-replacement program for residential trees removed due to infestation by or exposure to citrus canker disease; requiring the department to prepare a report on the program; providing for submission of the report by January 1, 1999; providing an effective date.

—was read the second time by title. On motions by Senator Gutman, by two-thirds vote **SB 2040** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

**SPECIAL ORDER CALENDAR**

Consideration of **CS for SB 2054** and **CS for SB 1466** was deferred.

On motion by Senator Dyer, by two-thirds vote **HB 887** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Dyer—

**HB 887**—A bill to be entitled An act relating to school district expenditures; amending s. 237.081, F.S.; revising provisions relating to the advertisement of a school board’s tentative budget; requiring the inclusion of specified information; authorizing rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 1160** and read the second time by title.

Pursuant to Rule 4.19, **HB 887** was placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

**CS for SB 1626**—A bill to be entitled An act relating to occupational safety and health; amending s. 442.006, F.S.; limiting investigations and penalties to public-sector employers; amending s. 442.008, F.S.; limiting division authority to public-sector employers; providing for voluntary inspections and consultations; amending s. 442.013, F.S.; limiting penalties to public-sector employers; amending s. 442.019, F.S.; limiting compliance to public-sector employers; repealing s. 442.003, F.S., relating to legislative intent; repealing s. 442.009, F.S., relating to right of entry by division representatives; repealing s. 442.0105, F.S., relating to employers whose employees have a high frequency of work-related injuries; repealing s. 442.015, F.S., relating to cancellation of coverage on certain employers; repealing s. 442.017, F.S., relating to penalties for employers who refuse to admit certain investigators; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendments which were adopted:

**Amendment 1 (with title amendment)**—On page 3, lines 14-19, delete those lines.

And the title is amended as follows:

On page 1, lines 7 and 8, delete those lines and insert: amending s. 442.013, F.S.;

**Amendment 2 (with title amendment)**—On page 4, between lines 19 and 20, insert:

Section 5. Section 442.0085, Florida Statutes, is created to read:

*442.0085 Employer consultations.—The division may provide safety consultations to employers who are insured pursuant to the joint underwriting plan approved by the Department of Insurance pursuant to s. 627.311(4).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: creating s. 442.0085, F.S.; providing for safety consultations;

Pursuant to Rule 4.19, **CS for SB 1626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 1684** was deferred.

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On motion by Senator McKay—

**CS for SB 1722**—A bill to be entitled An act relating to rulemaking authority of school boards (RAB); amending s. 230.23, F.S.; creating s. 230.23005, F.S.; prescribing the rulemaking authority of school boards; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1722** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Forman—

**SB 1976**—A bill to be entitled An act relating to the Construction Industry Recovery Fund; amending s. 489.143, F.S.; increasing the aggregate amount that may be paid for claims against any one certificateholder or registrant; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment:

**Amendment 1 (with title amendment)**—On page 1, lines 15-21, delete those lines and insert: certificateholder or registrant shall not exceed, in the aggregate, \$100,000 annually. Beginning in the 1998 calendar year, any claims approved by the board in excess of the annual cap are eligible for payment in the next and succeeding fiscal years, in the same manner as other claims.

And the title is amended as follows:

On page 1, delete line 4 and insert: changing the aggregate amount to an annual amount that may be

On motion by Senator Forman, further consideration of **SB 1976** with pending **Amendment 1** was deferred.

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On motion by Senator Dudley—

**CS for SB 1452**—A bill to be entitled An act relating to condominiums and cooperative property; amending ss. 718.103, 719.103, F.S.; defining the term “buyer”; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1452** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Horne—

**CS for SB 1736**—A bill to be entitled An act relating to job training; creating s. 446.609, F.S.; creating a school-to-work program entitled “Jobs for Florida’s Graduates”; providing definitions and intent; providing requirements for school and student participation; creating an endowment fund and providing for appropriations and gifts; providing for the investment and deposit of funds in an operating account; creating an endowment foundation as a direct-support organization; providing duties of the foundation and a foundation board of directors; providing for use of funds and startup funding; requiring an annual audit and report; providing for rules; requiring legislative review of the program; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 8, between lines 22 and 23, insert:

Section 3. (1) *There is created a 1-year pilot apprenticeship program at Okaloosa-Walton Community College to develop and implement programs designed to meet employee training needs of business and industry within the community college’s service area.*

(2) *Okaloosa-Walton Community College shall be recognized as an apprenticeship sponsor under the definition in section 446.071, Florida Statutes, and shall be entitled to four positions as indicated in this section. The community college shall have the responsibility to survey and identify within its service area all business and industry that may benefit from an apprenticeship program, to develop programs to meet those needs, and to implement the programs utilizing funding from the affected industry.*

(3) *The four positions allocated to Okaloosa-Walton Community College shall be funded by Enterprise Florida, Inc., in the amount not to exceed \$200,000. These shall be two job development specialists at a total cost for both positions not to exceed \$138,000; one researcher at a total cost not to exceed \$34,660; and one secretary at a total cost not to exceed \$19,390. Office furniture and supplies shall be funded in the amount of \$7,950.*

(4) *Okaloosa-Walton Community College shall be entitled to apply for continued funding of these positions for 1 additional year if it can prove substantial progress toward meeting the goals of this section. However, it is the intent of the Legislature that, beginning with the third academic year, costs of this program shall be borne substantially by the businesses and industries that take part in the program and that Okaloosa-Walton Community College shall provide all interested areas with a full report on the program and its success.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: creating a 1-year pilot apprenticeship program at Okaloosa-Walton Community College; providing recognition of the community college as an apprenticeship sponsor; providing responsibilities and positions; providing for funding by Enterprise Florida, Inc.; authorizing the community college to apply for continued funding;

Pursuant to Rule 4.19, **CS for SB 1736** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Williams—

**CS for SB 1684**—A bill to be entitled An act relating to the Florida Retirement System (RAB); clarifying provisions throughout ch. 121, F.S., relating to vesting and the normal retirement date for a member; amending s. 121.021, F.S., relating to definitions; revising and adding definitions; amending s. 121.051, F.S., relating to participation in the Florida Retirement System; providing that consultants and independent contractors are ineligible to participate; establishing procedures and requirements for municipalities or special districts that choose to participate in the Florida Retirement System; providing requirements for employers that transfer, merge, or consolidate governmental services or functions; limiting a member’s rights following a conviction for causing a shortage in a public account; providing requirements and limitations for a member who is dually employed; amending s. 121.0515, F.S., relating to Special Risk Class membership; providing for retroactive membership in certain cases; requiring certain members who are moved or reassigned to participate in the Special Risk Administrative Support Class; amending s. 121.052, F.S., relating to the Elected State and County Officers’ Class; providing for calculating average final compensation; amending s. 121.053, F.S., relating to retired member participation in the Elected State and County Officers’ Class; clarifying requirements for creditable service; amending s. 121.055, F.S., relating to the Senior Management Service Optional Annuity Program; clarifying participation requirements; providing for the Optional Annuity Program Trust Fund; providing eligibility requirements for receiving benefits;

providing for administering the program; providing requirements and limitations for a member who is dually employed; amending s. 121.071, F.S., relating to system contributions; providing requirements for contributions for other creditable service; amending s. 121.081, F.S., relating to contributions for past service or prior service; clarifying provisions with respect to required contributions; providing requirements for receiving service credit and prior service credit; amending s. 121.091, F.S., relating to benefits payable under the Florida Retirement System; providing for cancellation of application for retirement benefits; clarifying and consolidating benefit provisions; providing procedures for determining average final compensation; providing for determining disability retirement benefits; providing for optional forms of retirement benefits and disability retirement benefits; providing requirements for determining death benefits; providing for designating beneficiaries; providing for the payment of benefits; authorizing certain deductions from the monthly benefit payment; amending s. 121.111, F.S., relating to credit for military service; providing requirements for determining creditable service; amending s. 121.121, F.S.; providing requirements for purchasing creditable service for authorized leaves of absence; amending s. 121.122, F.S., relating to renewed membership; clarifying requirements for a member who does not claim credit for all postretirement service; creating s. 121.193, F.S., relating to external compliance audits; providing responsibilities of the Division of Retirement of the Department of Management Services with respect to such audits; specifying requirements of participating agencies; amending s. 121.35, F.S., relating to the Optional Retirement Program for the State University System; providing for the application of certain federal requirements; providing for the administration of the Optional Retirement Program Trust Fund; clarifying benefit requirements; providing for responsibilities of the Board of Regents and institutions in the State University System; amending s. 121.40, F.S., relating to the supplemental retirement benefits provided for certain personnel at the Institute of Food and Agricultural Sciences at the University of Florida; providing for the deduction of certain payments from the monthly benefit payment; providing legislative intent with respect to the amendments made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1684** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 502** was deferred.

On motion by Senator Rossin, by two-thirds vote **HB 4231** was withdrawn from the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

On motion by Senator Rossin—

**HB 4231**—A bill to be entitled An act relating to the Long-Term Care Community Diversion Pilot Project Act; 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.

—a companion measure, was substituted for **CS for SB 2324** and read the second time by title.

Pursuant to Rule 4.19, **HB 4231** was placed on the calendar of Bills on Third Reading.

**CS for SB 2128**—A bill to be entitled An act relating to regulation of professions; amending ss. 455.209, 455.213, 455.218, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.225, F.S.; revising probable-cause provisions; prescribing authority of the department or a board in cases of failure to comply with continuing-education requirements; conforming provisions to a previous administrative reorganization; amending s. 455.2285, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.667, F.S.; revising provisions relating to ownership and control of patient records; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards under the department to refuse to issue an initial license under circumstances relating to ongoing investigations

or prosecutions of certain applicants; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 415.1055, 415.5055, 415.51, 440.13, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.404, 460.4061, 460.407, 461.004, 461.007, 461.013, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, and 937.031, F.S.; correcting references, cross-references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; authorizing the department to issue a physicist-in-training certificate; authorizing the Board of Medicine to adopt by rule practice standards; authorizing the Board of Osteopathic Medicine to adopt by rule practice standards; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, 641.60, F.S.; correcting cross-references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 381.026, 381.0261, 381.0302, 395.0191, 395.1041, 395.301, 404.22, 409.906, 415.503, 440.106, 440.13, 440.134, 440.15, 455.684, 455.691, 455.697, 455.698, 456.31, 456.32, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013, 461.0134, 461.014, 461.015, 461.018, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 627.912, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 893.02, 984.03, F.S.; revising terminology relating to podiatry and podiatrists; authorizing dentists and dental hygienists to be governmental contractors; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; requiring the Department of Health to adopt rules governing insurance coverage for midwives; amending s. 455.564, F.S.; requiring that the Department of Health or a regulatory board adopt rules governing alternative methods by which licensees may obtain continuing education credits in risk management; amending s. 455.574, F.S.; requiring the Department of Health to adopt rules governing licensure examinations; amending s. 468.705, F.S.; requiring that the Department of Health adopt rules governing a protocol between athletic trainers and supervising physicians; amending s. 865.09, F.S., relating to fictitious name registration; providing certain exemptions for persons licensed by the Department of Health; amending ss. 627.6407, 627.6619, F.S.; providing conditions for health insurance coverage of massage; amending s. 458.317, F.S.; providing requirements for a physician who practices under a limited license; amending s. 465.019, F.S.; providing emergency room physician authority to dispense up to a 24-hour drug supply to a patient under certain circumstances; amending s. 468.703, F.S.; revising requirements for members of the Council of Athletic Training; amending s. 766.204, F.S.; revising procedures for the availability of medical records; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which failed:

**Amendment 1 (with title amendment)**—On page 14, between lines 28 and 29, insert:

Section 9. Paragraph (g) of subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either \$100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or \$250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he or she shall be subject to disciplinary action unless, within 30 days from the date of mailing, he or she either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required *either* to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *or to and* provide a written statement to any person to whom medical services are being provided. ~~A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.~~ Such sign *or* and statement shall state: "Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

Section 10. Paragraph (g) of section (5) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either \$100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or \$250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he or she shall be subject to disciplinary action unless, within 30 days from the date of mailing, the licensee either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required *either* to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *or to and* provide a written statement to any person to whom medical services are being provided. ~~A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall~~

be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form. Such sign ~~or~~ and statement shall state: "Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: amending ss. 458.320 and 459.0085, F.S.; revising notice requirements of financial responsibility for physicians and osteopathic physicians;

The vote was:

Yeas—14

Madam President	Crist	Kirkpatrick	Scott
Campbell	Gutman	Lee	Williams
Casas	Harris	McKay	
Cowin	Horne	Myers	

Nays—19

Bankhead	Diaz-Balart	Grant	Rossin
Brown-Waite	Dudley	Hargrett	Silver
Burt	Dyer	Holzendorf	Thomas
Childers	Forman	Klein	Turner
Clary	Geller	Kurth	

**RECONSIDERATION OF AMENDMENT**

On motion by Senator Diaz-Balart, the Senate reconsidered the vote by which **Amendment 1** failed. **Amendment 1** was adopted.

The vote was:

Yeas—22

Madam President	Crist	Laurent	Sullivan
Bronson	Gutman	Lee	Thomas
Campbell	Hargrett	Meadows	Turner
Casas	Holzendorf	Myers	Williams
Childers	Kirkpatrick	Ostalkiewicz	
Cowin	Klein	Scott	

Nays—13

Brown-Waite	Forman	Harris	Latvala
Diaz-Balart	Geller	Horne	Rossin
Dudley	Grant	Kurth	Silver
Dyer			

Senator Rossin moved the following amendment:

**Amendment 2 (with title amendment)**—On page 14, between lines 28 and 29, insert:

Section 9. Subsection (1) of section 455.661, Florida Statutes, is amended to read:

455.661 Designated health care services; licensure required.—

(1) An entity, as defined in s. 455.654, which furnishes *clinical laboratory services, diagnostic-imaging services, or radiation therapy services* ~~designated health care services~~ may not operate in this state unless licensed by the Agency for Health Care Administration pursuant to subsection (2).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: amending s. 455.661, F.S.; eliminating an entity licensure requirement for comprehensive rehabilitation services;

Senator Dudley moved the following substitute amendment which was adopted:

**Amendment 3 (with title amendment)**—On page 14, between lines 28 and 29, insert:

Section 9. *Section 455.661, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after "fingerprints;" insert: repealing s. 455.661, F.S., relating to licensure of designated health services;

Senator Myers moved the following amendment which was adopted:

**Amendment 4**—On page 53, line 27 and on page 57, line 9, after "settings" insert: *, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals*

Senator Forman moved the following amendments which were adopted:

**Amendment 5 (with title amendment)**—On page 54, between lines 10 and 11, insert:

Section 44. Subsection (1) of section 458.337, Florida Statutes, is amended to read:

458.337 Reports of disciplinary actions by medical organizations and hospitals.—

(1)(a) The department shall be notified when any physician:

1. Has been removed or suspended or has had any other disciplinary action taken by his or her peers within any professional medical association, society, body, or professional standards review organization established pursuant to Pub. L. No. 92-603, s. 249F, or similarly constituted professional organization, whether or not such association, society, body, or organization is local, regional, state, national, or international in scope; or

2. Has been disciplined by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home or the medical staff of such a hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home, including allowing the physician to resign, for any act that constitutes a violation of this chapter. If a physician resigns or withdraws from privileges when such facility notifies the physician that it is conducting an investigation or inquiry regarding an act which is potentially a violation of this chapter, the facility shall complete its investigation or inquiry and shall notify the department of the physician's resignation or withdrawal from privileges if the completed investigation or inquiry results in a finding that such act constitutes a violation of this chapter for which the facility would have disciplined the physician or allowed the physician to resign or withdraw from privileges.

(b) Within 20 days of receipt of such notification, the department shall notify all hospitals *and health maintenance organizations* in the state of any disciplinary action which is severe enough for expulsion or resignation reported pursuant to subparagraph (a)2., identifying the disciplined physician, the action taken, and the reason for such action.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: amending s. 458.337, F.S.; requiring the Department of Health to notify health maintenance organizations of specified disciplinary action against physicians;

**Amendment 6 (with title amendment)**—On page 57, between lines 24 and 25, insert:

Section 49. Subsection (1) of section 459.016, Florida Statutes, is amended to read:

459.016 Reports of disciplinary actions by medical organizations.—

(1) The department shall be notified when any osteopathic physician:

(a) Has been removed or suspended or has had any other disciplinary action taken by her or his peers within any professional medical association, society, body, or professional standards review organization established pursuant to Pub. L. No. 92-603, s. 249F, or similarly constituted professional organization, whether or not such association, society, body, or organization is local, regional, state, national, or international in scope; or

(b) Has been disciplined, which shall include allowing an osteopathic physician to resign, by a licensed hospital or medical staff of said hospital for any act that constitutes a violation of this chapter. If a physician resigns or withdraws from privileges when such facility notifies the physician that it is conducting an investigation or inquiry regarding an act which is potentially a violation of this chapter, the facility shall complete its investigation or inquiry and shall notify the department of the physician's resignation or withdrawal from privileges if the completed investigation or inquiry results in a finding that such act constitutes a violation of this chapter for which the facility would have disciplined the physician or allowed her or him to resign or withdraw from privileges.

Within 20 days of receipt of such notification, upon board approval, the department shall notify all hospitals and health maintenance organizations in the state of any disciplinary action which is severe enough for expulsion or resignation reported pursuant to this subsection, identifying the disciplined physician, the action taken, and the reason for such action.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: amending s. 459.016, F.S.; requiring the Department of Health to notify health maintenance organizations of specified disciplinary action against osteopathic physicians;

Senator Myers moved the following amendment which was adopted:

**Amendment 7 (with title amendment)**—On page 178, lines 3-5, delete those lines and insert:

Section 232. Subsections (2) and (5) of section 455.564, Florida Statutes, are amended to read:

455.564 Department; general licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. *The license shall consist of a wallet-size identification card, a 3-inch by 5-inch certificate, and an 8 1/2-inch by 13-inch wall certificate suitable for conspicuous display.*

And the title is amended as follows:

On page 3, line 26, after the semicolon (;) insert: requiring that the Department of Health issue certain identification cards and certificates;

Senator Diaz-Balart moved the following amendment which failed:

**Amendment 8**—On page 185, line 20, delete "*hospital*" and insert: *rural hospital*

Senator Hargrett moved the following amendment which failed:

**Amendment 9 (with title amendment)**—On page 186, between lines 2 and 3, insert:

Section 240. Subsection (12) of section 465.003, Florida Statutes, is amended to read:

465.003 Definitions.—As used in this chapter, the term:

(12) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; and consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the evaluation and monitoring of the patient's health as it relates to drug therapy and assisting the patient in the management of his or her drug therapy, and includes the assessment of the patient's drug therapy and communication with the patient and the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. "Practice of the profession of pharmacy" ~~the phrase~~ also includes any other act, service, operation, research, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients. In addition to the authority to order and dispense medicinal drugs independently of an established protocol as set forth in s. 465.186, a pharmacist may also administer immunizations within the framework of an established protocol under a supervisory practitioner who is a physician licensed under chapter 458 or chapter 459 or by written agreement with a county health department. Each protocol must contain specific procedures to address any unforeseen allergic reactions to an immunization. A pharmacist may not enter into a protocol unless he or she maintains at least \$200,000 of professional liability insurance and has completed any training in immunizations which is required by the board. The decision by a supervisory practitioner to enter into such a protocol is a professional decision of the practitioner, and no person may interfere with a supervisory practitioner's decision as to whether to enter into such a protocol. A pharmacist may not enter into a protocol that is to be performed while acting as an employee without the written approval of the owner of the pharmacy.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 17, after the first semicolon (;) insert: amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy";

Senator Silver moved the following amendment which was adopted:

**Amendment 10 (with title amendment)**—On page 187, between lines 2 and 3, insert:

Section 243. Paragraph (e) of subsection (6) of section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(e) On receipt of an application and fee as specified in this section, the department may issue a license to practice medical physics in this state:

1. Until October 1, 1998 ~~1997~~, to a person who meets any of the following requirements:

a. Earned from an accredited college or university a doctoral degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 2 years' experience in the practice of the medical physics specialty for which application is made.

b. Earned from an accredited college or university a master's degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 3 years' experi-



ence in the practice of the medical physics specialty for which application is made.

c. Earned from an accredited college or university a bachelor's degree in physics and has at least 5 years' experience in the practice of the medical physics specialty for which application is made.

d. Has at least 8 years' experience in the practice of the medical physics specialty for which application is made, 2 years of which must have been earned within the 4 years immediately preceding application for licensure.

e. Is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics or the Canadian Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the agency.

2. On or after October 1, 1997, to a person who is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the department.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: amending s. 483.901, F.S.; revising a deadline for issuance of certain licenses to practice medical physics;

Senator Myers moved the following amendment which was adopted:

**Amendment 11 (with title amendment)**—On page 187, between lines 2 and 3, insert:

Section 242. Subsection (3) of section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(3) Every hospital employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification shall designate a person who shall, *on dates designated by the board, in consultation with the department on January 1 and July 1 of each year*, furnish the department with a list of the hospital's employees and such other information as the board may direct. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.

Section 243. Subsection (3) of section 459.021, Florida Statutes, is amended to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(3) Every hospital having employed or contracted with or utilized the services of a person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification shall designate a person who shall furnish, *on dates designated by the board, in consultation with the department in January and July of each year*, to the department a list of all such persons who have served in the hospital during the preceding 6-month period. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: amending ss. 458.345, 459.021, F.S.; revising the requirements for a hospital's submission of reports on resident physicians, interns, and fellows;

Senator Silver moved the following amendment which was adopted:

**Amendment 12 (with title amendment)**—On page 187, between lines 2 and 3, insert:

Section 242. Paragraph (g) of subsection (3) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.
2. Health care services pools, as provided under s. 402.48.
3. The Board of Acupuncture, created under chapter 457.
4. The Board of Medicine, created under chapter 458.
5. The Board of Osteopathic Medicine, created under chapter 459.
6. The Board of Chiropractic *Medicine*, created under chapter 460.
7. The Board of Podiatric Medicine, created under chapter 461.
8. Naturopathy, as provided under chapter 462.
9. The Board of Optometry, created under chapter 463.
10. The Board of Nursing, created under chapter 464.
11. The Board of Pharmacy, created under chapter 465.
12. The Board of Dentistry, created under chapter 466.
13. Midwifery, as provided under chapter 467.
14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.
15. The Board of Nursing Home Administrators, created under part II of chapter 468.
16. Occupational therapy, as provided under part III of chapter 468.
17. Respiratory therapy, as provided under part V of chapter 468.
18. Dietetics and nutrition practice, as provided under part X of chapter 468.
19. Athletic trainers, as provided under part ~~XIII~~XIV of chapter 468.
20. Electrolysis, as provided under chapter 478.
21. The Board of Massage Therapy, created under chapter 480.
22. The Board of Clinical Laboratory Personnel, created under part III of chapter 483.
23. Medical physicists, as provided under part IV of chapter 483.
24. The Board of Opticianry, created under part I of chapter 484.
25. The Board of Hearing Aid Specialists, created under part II of chapter 484.
26. The Board of Physical Therapy Practice, created under chapter 486.

27. The Board of Psychology, created under chapter 490.

28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department may contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 243. Subsection (1) of section 322.125, Florida Statutes, is amended to read:

322.125 Medical Advisory Board.—

(1) There shall be a Medical Advisory Board composed of not fewer than 12 or more than 25 members, at least one of whom must be 60 years of age or older and all but one of whose medical and other specialties must relate to driving abilities, which number must include a doctor of medicine who is employed by the Department of Highway Safety and Motor Vehicles in Tallahassee, who shall serve as administrative officer for the board. The executive director of the Department of Highway Safety and Motor Vehicles shall recommend persons to serve as board members. Every member but two must be a doctor of medicine licensed to practice medicine in this or any other state and must be a member in good standing of the Florida Medical Association or the Florida Osteopathic Association. One member must be an optometrist licensed to practice optometry in this state and must be a member in good standing of the Florida Optometric Association. One member must be a *chiropractic physician chiropractor* licensed to practice chiropractic *medicine* in this state. Members shall be approved by the Cabinet and shall serve 4-year staggered terms. The board membership must, to the maximum extent possible, consist of equal representation of the disciplines of the medical community treating the mental or physical disabilities that could affect the safe operation of motor vehicles.

Section 244. Subsection (1) of section 381.0031, Florida Statutes, is amended to read:

381.0031 Report of diseases of public health significance to department.—

(1) Any practitioner, licensed in Florida to practice medicine, osteopathic medicine, chiropractic *medicine*, naturopathy, or veterinary medicine, who diagnoses or suspects the existence of a disease of public health significance shall immediately report the fact to the Department of Health.

Section 245. Paragraph (b) of subsection (2) and subsection (5) of section 381.0302, Florida Statutes, are amended to read:

381.0302 Florida Health Services Corps.—

(2) As used in this section, the term:

(b) "Florida Health Services Corps" means a program authorized by this section which:

1. Offers scholarships to allopathic, osteopathic, chiropractic, podiatric, dental, physician assistant, and nursing students, and loan repayment assistance and travel and relocation expenses to allopathic and osteopathic residents and physicians, *chiropractic physicians chiropractors*, podiatrists, nurse practitioners, dentists, and physician assistants, in return for service in a public health care program or in a medically underserved area.

2. Offers membership on a voluntary basis to physicians and other health care personnel who provide uncompensated care.

(5) The department may award scholarships to students studying medicine, osteopathic medicine, chiropractic *medicine*, podiatric, nursing, or dentistry.

(a) The program shall require a student who receives a scholarship to accept an assignment in a public health care program or work in a specific community located in a medically underserved area upon completion of primary care training. The department shall determine assignments. If a practitioner is assigned to a medically underserved area, the practitioner must treat Medicaid patients and other patients with low incomes.

(b) An eligible student must be pursuing a full-time course of study in:

1. Allopathic or osteopathic medicine, including physician assistants;

2. Dentistry;

3. Podiatric medicine;

4. Nursing, including registered nurses, nurse midwives, and other nurse practitioners; or

5. Chiropractic medicine.

(c) In selecting students to participate in the scholarship program, priority shall be given to students who indicate a desire to practice a primary care specialty in a medically underserved area after their obligation is completed and who indicate an intent to practice medical specialties for which the department has a need.

(d) Scholarship assistance shall consist of reimbursement for tuition and other educational costs such as books, supplies, equipment, transportation, and monthly living expense stipends. The department shall pay the same amount for living expense stipends as is paid by the National Health Services Corps. Each monthly living expense stipend shall be for a 12-month period beginning with the first month of each school year in which the student is a participant. The department may reimburse a participant for books, supplies, and equipment based on average costs incurred by participants for these items. The department shall prescribe, by rule, eligible expenses for reimbursement and allowable amounts.

(e) For an allopathic or osteopathic medical student, enrollment in the corps may begin in the second year of medical school or in any year thereafter. For a nursing student or other student, enrollment may occur in any year.

(f) For a student who receives scholarship assistance, participation in the corps after completion of training shall be 1 year for each school year of scholarship assistance, up to a maximum of 3 years. The period of obligated service shall begin when the participant is assigned by the department to a public health program or to a medically underserved area.

Section 246. Subsection (11) of section 382.002, Florida Statutes, is amended to read:

382.002 Definitions.—As used in this chapter, the term:

(11) "Physician" means a person authorized to practice medicine, osteopathic medicine, or chiropractic *medicine* pursuant to chapter 458, chapter 459, or chapter 460.

Section 247. Section 395.0195, Florida Statutes, is amended to read:

395.0195 Access of *chiropractic physicians chiropractors* to diagnostic reports.—Each hospital shall set standards and procedures which provide for reasonable access by licensed *chiropractic physicians chiropractors* to the reports of diagnostic X rays and laboratory tests of licensed facilities, subject to the same standards and procedures as other licensed physicians. However, this section does not require a licensed facility to grant staff privileges to a *chiropractic physician chiropractor*.

Section 248. Paragraph (a) of subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopathic physician, medical examiner, *chiropractic physician chiropractor*, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. Human rights advocacy committee or long-term care ombudsman council member; or

7. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

Section 249. Paragraph (a) of subsection (1) of section 415.504, Florida Statutes, is amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse hotline.—

(1) Any person, including, but not limited to, any:

(a) Physician, osteopathic physician, medical examiner, *chiropractic physician* ~~chiropractor~~, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

Section 250. Subsection (2) of section 440.106, Florida Statutes, is amended to read:

440.106 Civil remedies; administrative penalties.—

(2) Whenever a physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, podiatrist, or other practitioner is determined to have violated s. 440.105, the Board of Medicine as set forth in chapter 458, the Board of Osteopathic Medicine as set forth in chapter 459, the Board of Chiropractic Medicine as set forth in chapter 460, the Board of Podiatric Medicine as set forth in chapter 461, or other appropriate licensing authority, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, or other practitioner.

Section 251. Paragraph (r) of subsection (1) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

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

(r) “Physician” or “doctor” means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, each of whom must be certified by the division as a health care provider.

Section 252. Paragraph (k) of subsection (1) of section 440.134, Florida Statutes, is amended to read:

440.134 Workers’ compensation managed care arrangement.—

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

(k) “Primary care provider” means, except in the case of emergency treatment, the initial treating physician and, when appropriate, continuing treating physician, who may be a family practitioner, general prac-

itioner, or internist physician licensed under chapter 458; a family practitioner, general practitioner, or internist osteopathic physician licensed under chapter 459; a *chiropractic physician* ~~chiropractor~~ licensed under chapter 460; a podiatrist licensed under chapter 461; an optometrist licensed under chapter 463; or a dentist licensed under chapter 466.

Section 253. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the division, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association’s Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee’s average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee’s entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

- The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or
- The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee’s treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The

certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

Section 254. Subsections (2) and (5) of section 455.564, Florida Statutes, are amended to read:

455.564 Department; general licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. *The licensee shall be issued a wallet-size identification card and a wall certificate suitable for conspicuous display, which shall be no smaller than 8 1/2 inches by 14 inches. The licensee shall surrender to the department the wallet-size identification card and the wall certificate if the licensee's license is suspended or revoked. The department shall promptly return the wallet-size identification card and the wall certificate to the licensee upon reinstatement of a suspended or revoked license.*

(5) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic *Medicine*, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years, which may include up to 1 hour of risk management or cost containment and up to 2 hours of other topics related to the applicable medical specialty, if required by board rule. Each of such boards shall determine whether any specific course requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any course mandated by such board.

Section 255. Paragraph (a) of subsection (3) of section 455.654, Florida Statutes, is amended to read:

455.654 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(a) "Board" means any of the following boards relating to the respective professions: the Board of Medicine as created in s. 458.307; the Board of Osteopathic Medicine as created in s. 459.004; the Board of Chiropractic *Medicine* as created in s. 460.404; the Board of Podiatric Medicine as created in s. 461.004; the Board of Optometry as created in s. 463.003; the Board of Pharmacy as created in s. 465.004; and the Board of Dentistry as created in s. 466.004.

Section 256. Section 455.684, Florida Statutes, is amended to read:

455.684 Chiropractic and podiatric health care; denial of payment; limitation.—A chiropractic physician licensed under chapter 460 or a podiatrist licensed under chapter 461 shall not be denied payment for treatment rendered solely on the basis that the *chiropractic physician* ~~chiropractor~~ or podiatrist is not a member of a particular preferred provider organization or exclusive provider organization which is composed only of physicians licensed under the same chapter.

Section 257. Paragraph (a) of subsection (1) of section 455.691, Florida Statutes, is amended to read:

455.691 Treatment of Medicare beneficiaries; refusal, emergencies, consulting physicians.—

(1) Effective as of January 1, 1993, as used in this section, the term:

(a) "Physician" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a *chiropractic physi-*

*cian* ~~chiropractor~~ licensed under chapter 460, a podiatrist licensed under chapter 461, or an optometrist licensed under chapter 463.

Section 258. Subsection (1) of section 455.694, Florida Statutes, is amended to read:

455.694 Boards regulating certain health care practitioners.—

(1) As a prerequisite for licensure or license renewal, the Board of Acupuncture, the Board of Chiropractic *Medicine*, the Board of Podiatric Medicine, and the Board of Dentistry shall, by rule, require that all health care practitioners licensed under the respective board, and the Board of Nursing shall, by rule, require that advanced registered nurse practitioners certified under s. 464.012, maintain medical malpractice insurance or provide proof of financial responsibility in an amount and in a manner determined by the board to be sufficient to cover claims arising out of the rendering of or failure to render professional care and services in this state.

Section 259. Subsection (2) of section 456.31, Florida Statutes, is amended to read:

456.31 Legislative intent.—

(2) It is the intent of the Legislature to provide for certain practitioners of the healing arts, such as a trained and qualified dentist, to use hypnosis for hypnoanesthesia or for the allaying of anxiety in relation to dental work; however, under no circumstances shall it be legal or proper for the dentist or the individual to whom the dentist may refer the patient, to use hypnosis for the treatment of the neurotic difficulties of a patient. The same applies to the optometrist, podiatrist, *chiropractic physician* ~~chiropractor~~, osteopathic physician, or physician of medicine.

Section 260. Subsections (2) and (3) of section 456.32, Florida Statutes, are amended to read:

456.32 Definitions.—In construing this chapter, the words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

(2) "Healing arts" shall mean the practice of medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic *medicine*, naturopathy, podiatry, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, and optometry.

(3) "Practitioner of the healing arts" shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic *medicine*, naturopathy, podiatry, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, or optometry within the scope of his or her professional training and competence and within the purview of the statutes applicable to his or her respective profession, and who may refer a patient for treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner.

Section 261. The catchline of section 459.002, Florida Statutes, is amended to read:

459.002 Chapter not applicable to practice of medicine, surgery, chiropractic *medicine*, etc.—

Section 262. *Chapter 460, Florida Statutes, entitled "Chiropractic," is retitled "Chiropractic Medicine."*

Section 263. Subsections (2) and (4) and paragraphs (a) and (e) of subsection (8) of section 460.403, Florida Statutes, are amended to read:

460.403 Definitions.—As used in this chapter, the term:

(2) "Board" means the Board of Chiropractic *Medicine*.

(4) "Chiropractic physician" means any person licensed to practice chiropractic *medicine* pursuant to this chapter.

(8)(a) "Practice of chiropractic *medicine*" means a noncombative principle and practice consisting of the science, philosophy, and art of the adjustment, manipulation, and treatment of the human body in which vertebral subluxations and other malpositioned articulations and

structures that are interfering with the normal generation, transmission, and expression of nerve impulse between the brain, organs, and tissue cells of the body, thereby causing disease, are adjusted, manipulated, or treated, thus restoring the normal flow of nerve impulse which produces normal function and consequent health by chiropractic physicians using specific chiropractic adjustment or manipulation techniques taught in chiropractic colleges accredited by the Council on Chiropractic Education. No person other than a licensed chiropractic physician may render chiropractic services, chiropractic adjustments, or chiropractic manipulations.

(e) The term "*chiropractic medicine*," "chiropractic," "doctor of chiropractic," or "chiropractor" shall be synonymous with "chiropractic physician," and each term shall be construed to mean a practitioner of chiropractic *medicine* as the same has been defined herein. Chiropractic physicians may analyze and diagnose the physical conditions of the human body to determine the abnormal functions of the human organism and to determine such functions as are abnormally expressed and the cause of such abnormal expression.

Section 264. Section 460.404, Florida Statutes, is amended to read:

460.404 Board of Chiropractic *Medicine*; membership; appointment; terms.—

(1) The Board of Chiropractic *Medicine* is created within the department and shall consist of seven members to be appointed by the Governor and confirmed by the Senate.

(2) Five members of the board must be licensed chiropractic physicians who are residents of the state and who have been licensed chiropractic physicians engaged in the practice of chiropractic *medicine* for at least 4 years. The remaining two members must be residents of the state who are not, and have never been, licensed as chiropractic physicians or members of any closely related profession. At least one member of the board must be 60 years of age or older.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed.

(4) All provisions of *part II* of chapter 455 relating to the board shall apply.

Section 265. Section 460.405, Florida Statutes, is amended to read:

460.405 Authority to make rules.—The Board of Chiropractic *Medicine* is authorized to make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the board by this chapter.

Section 266. Paragraphs (c) and (e) of subsection (1) and subsection (3) of section 460.406, Florida Statutes, are amended to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed \$100 which shall be nonrefundable. There shall also be an examination fee not to exceed \$500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(c) Submitted proof satisfactory to the department that he or she is a graduate of a chiropractic college which is accredited by or has status with the Council on Chiropractic Education or its predecessor agency. However, any applicant who is a graduate of a chiropractic college that was initially accredited by the Council on Chiropractic Education in 1995, who graduated from such college within the 4 years immediately preceding such accreditation, and who is otherwise qualified shall be eligible to take the examination. No application for a license to practice chiropractic *medicine* shall be denied solely because the applicant is a graduate of a chiropractic college that subscribes to one philosophy of chiropractic *medicine* as distinguished from another.

(e) Completed not less than a 3-month training program in this state of not less than 300 hours with a chiropractic physician licensed in this state. The chiropractic physician candidate may perform all services offered by the licensed chiropractic physician, but must be under the supervision of the licensed chiropractic physician until the results of the first licensure examination for which the candidate has qualified have been received, at which time the candidate's training program shall be terminated. However, an applicant who has practiced chiropractic *medicine* in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction for at least 5 years as a licensed chiropractic physician need not be required to complete the 3-month training program as a requirement for licensure.

(3) An applicant for the licensure examination may elect not to take the certification examination to use acupuncture. The department shall, in addition to the licensing exam, offer an examination for certification to use acupuncture. An applicant may elect to take the certification examination at the time of taking the licensure examination. Passage of the certification examination shall not grant any applicant the right to practice chiropractic *medicine* absent the passage of the licensing examination.

Section 267. Paragraph (b) of subsection (1) of section 460.408, Florida Statutes, is amended to read:

460.408 Continuing chiropractic education.—

(1) The board shall require licensees to periodically demonstrate their professional competence as a condition of renewal of a license by completing up to 40 hours of continuing education.

(b) The board shall approve those courses that build upon the basic courses required for the practice of chiropractic *medicine*, and the board may also approve courses in adjunctive modalities.

Section 268. Subsection (1) and paragraph (c) of subsection (2) of section 460.411, Florida Statutes, are amended to read:

460.411 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice chiropractic *medicine* without an active license or with a license fraudulently obtained.

(b) Using or attempting to use a license to practice chiropractic *medicine* which has been suspended or revoked.

(2) Each of the following acts constitutes a violation of this chapter and is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(c) Using the name or title "chiropractic physician," "doctor of chiropractic," "*chiropractic medicine*," or any other name or title which would lead the public to believe that such person is engaging in the practice of chiropractic *medicine*, unless such person is licensed as a chiropractic physician in this state.

Section 269. Section 460.412, Florida Statutes, is amended to read:

460.412 Sexual misconduct in the practice of chiropractic *medicine*.—The chiropractic physician-patient relationship is founded on mutual trust. Sexual misconduct in the practice of chiropractic *medicine* means violation of the chiropractic physician-patient relationship through which the chiropractic physician uses said relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of chiropractic *medicine* is prohibited.

Section 270. Paragraphs (a), (b), (c), (h), (k), (m), (q), (r), and (s) of subsection (1) and subsection (3) of section 460.413, Florida Statutes, are amended to read:

460.413 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice chiropractic *medicine* by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice chiropractic *medicine* revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of chiropractic *medicine* or to the ability to practice chiropractic *medicine*. Any plea of *nolo contendere* shall be considered a conviction for purposes of this chapter.

(h) Aiding, assisting, procuring, or advising any unlicensed person to practice chiropractic *medicine* contrary to this chapter or to a rule of the department or the board.

(k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of chiropractic *medicine* or employing a trick or scheme in the practice of chiropractic *medicine* when such trick or scheme fails to conform to the generally prevailing standards of treatment in the chiropractic *medical* community.

(m) Failing to keep legibly written chiropractic *medical* records that identify clearly by name and credentials the licensed chiropractic physician rendering, ordering, supervising, or billing for each examination or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and diagnosis of a disease, condition, or injury. X rays need not be retained for more than 4 years.

(q) Being unable to practice chiropractic *medicine* with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding by the secretary of the department, or his or her designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. The record of proceedings to obtain a compelled mental or physical examination shall not be used against a licensee in any other proceedings. A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of chiropractic *medicine* with reasonable skill and safety to patients.

(r) Gross or repeated malpractice or the failure to practice chiropractic *medicine* at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this provision. A recommended order by an administrative law judge, or a final order of the board finding a violation under this section shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice chiropractic *medicine* with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances" or any combination thereof, and any publication by the board shall so specify.

(s) Performing any procedure or prescribing any therapy which, by the prevailing standards of chiropractic *medical* practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(3) The department shall not reinstate the license of a chiropractic physician, or cause a license to be issued to a person the board has deemed unqualified, until such time as the board is satisfied that she or he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of chiropractic *medicine*.

Section 271. Subsection (1) of section 460.4166, Florida Statutes, is amended to read:

460.4166 Registered chiropractic assistants.—

(1) DEFINITION.—As used in this section, "registered chiropractic assistant" means a professional, multiskilled person dedicated to assisting in all aspects of chiropractic *medical* practice under the direct supervision and responsibility of a chiropractic physician. A registered chiropractic assistant assists with patient care management, executes administrative and clinical procedures, and often performs managerial and supervisory functions. Competence in the field also requires that a registered chiropractic assistant adhere to ethical and legal standards of professional practice, recognize and respond to emergencies, and demonstrate professional characteristics.

Section 272. Subsection (1) of section 462.01, Florida Statutes, is amended to read:

462.01 Definitions.—As used in this chapter:

(1) "Natureopathy" and "Naturopathy" shall be construed as synonymous terms and mean the use and practice of psychological, mechanical, and material health sciences to aid in purifying, cleansing, and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology, and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy, dietetics, psychotherapy, suggestotherapy, hydrotherapy, zone therapy, biochemistry, external applications, electrotherapy, mechanotherapy, mechanical and electrical appliances, hygiene, first aid, sanitation, and heliotherapy; provided, however, that nothing in this chapter shall be held or construed to authorize any naturopathic physician licensed hereunder to practice materia medica or surgery or chiropractic *medicine*, nor shall the provisions of this law in any manner apply to or affect the practice of osteopathic medicine, chiropractic *medicine*, Christian Science, or any other treatment authorized and provided for by law for the cure or prevention of disease and ailments.

Section 273. Subsection (10) of section 468.301, Florida Statutes, is amended to read:

468.301 Definitions.—As used in this part, the term:

(10) "Licensed practitioner" means a person who is licensed or otherwise authorized by law to practice medicine, podiatry, chiropody, osteopathic medicine, naturopathy, or chiropractic *medicine* in this state.

Section 274. Paragraph (a) of subsection (6) of section 468.302, Florida Statutes, is amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(6) Requirement for certification does not apply to:

(a) A hospital resident who is not a licensed practitioner in this state or a student enrolled in and attending a school or college of medicine, osteopathic medicine, chiropody, podiatry, or chiropractic *medicine* or a radiologic technology educational program and who applies radiation to a human being while under the direct supervision of a licensed practitioner.

Section 275. Paragraph (j) of subsection (2) of section 468.314, Florida Statutes, is amended to read:

468.314 Advisory Council on Radiation Protection; appointment; terms; powers; duties.—

(2) The council shall be comprised of:

(j) A ~~board-certified~~ chiropractic radiologist.

Section 276. Subsection (1) of section 476.044, Florida Statutes, is amended to read:

476.044 Exemptions.—This chapter does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

(1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic *medicine*, naturopathy, or podiatry;

Section 277. Paragraph (a) of subsection (1) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(1) This chapter does not apply to the following persons when practicing pursuant to their professional or occupational responsibilities and duties:

(a) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic *medicine*, massage, naturopathy, or podiatry.

Section 278. Paragraph (i) of subsection (3), paragraph (a) of subsection (4), and paragraph (j) of subsection (6) of section 483.901, Florida Statutes, are amended to read:

483.901 Medical physicists; definitions; licensure.—

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

(i) “Physician” means a doctor of medicine, osteopathic medicine, podiatry, dentistry, or chiropractic *medicine* who is licensed in this state and who prescribes a radiological procedure.

(4) COUNCIL.—The Advisory Council of Medical Physicists is created in the Department of Health to advise the department in regulating the practice of medical physics in this state.

(a) The council shall be composed of nine members appointed by the secretary of the department as follows:

1. A licensed medical physicist who specializes in diagnostic radiological physics.
2. A licensed medical physicist who specializes in therapeutic radiological physics.
3. A licensed medical physicist who specializes in medical nuclear radiological physics.
4. A physician who is board certified by the American Board of Radiology or its equivalent.
5. A physician who is board certified by the American Osteopathic Board of Radiology or its equivalent.
6. A *chiropractic* physician who *practices radiology* ~~is board certified by the American Chiropractic Radiology Board or its equivalent.~~
7. Three consumer members who are not, and have never been, licensed as a medical physicist or licensed in any closely related profession.

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(j) The department may issue a temporary license to an applicant pending completion of the application process *for board certification*.

Section 279. Subsection (11) of section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.—In this chapter, unless the context otherwise requires, the term:

(11) “Practice of physical therapy” means the performance of physical therapy assessments and the treatment of any disability, injury, disease, or other health condition of human beings, or the prevention of such disability, injury, disease, or other condition of health, and rehabilitation as related thereto by the use of the physical, chemical, and other properties of air; electricity; exercise; massage; the performance of acupuncture only upon compliance with the criteria set forth by the Board of Medicine, when no penetration of the skin occurs; the use of radiant energy, including ultraviolet, visible, and infrared rays; ultrasound; water; the use of apparatus and equipment in the application of the foregoing or related thereto; the performance of tests of neuromuscular

functions as an aid to the diagnosis or treatment of any human condition; or the performance of electromyography as an aid to the diagnosis of any human condition only upon compliance with the criteria set forth by the Board of Medicine. A physical therapist may implement a plan of treatment for a patient. The physical therapist shall refer the patient to or consult with a health care practitioner licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, if the patient’s condition is found to be outside the scope of physical therapy. If physical therapy treatment for a patient is required beyond 21 days for a condition not previously assessed by a practitioner of record, the physical therapist shall obtain a practitioner of record who will review and sign the plan. A health care practitioner licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 and engaged in active practice is eligible to serve as a practitioner of record. The use of roentgen rays and radium for diagnostic and therapeutic purposes and the use of electricity for surgical purposes, including cauterization, are not authorized under the term “physical therapy” as used in this chapter. The practice of physical therapy as defined in this chapter does not authorize a physical therapy practitioner to practice chiropractic *medicine* as defined in chapter 460, including specific spinal manipulation. For the performance of specific chiropractic spinal manipulation, a physical therapist shall refer the patient to a health care practitioner licensed under chapter 460. Nothing in this subsection authorizes a physical therapist to implement a plan of treatment for a patient currently being treated in a facility licensed pursuant to chapter 395.

Section 280. Subsection (1) of section 486.161, Florida Statutes, is amended to read:

486.161 Exemptions.—

(1) No provision of this chapter shall be construed to prohibit any person licensed in this state from using any physical agent as a part of, or incidental to, the lawful practice of her or his profession under the statutes applicable to the profession of *chiropractic physician* ~~chiropractor~~, podiatrist, doctor of medicine, massage therapist, nurse, osteopathic physician or surgeon, occupational therapist, or naturopath.

Section 281. Subsection (1) of section 621.03, Florida Statutes, is amended to read:

621.03 Definitions.—As used in this act the following words shall have the meaning indicated:

(1) The term “professional service” means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example and without limiting the generality thereof, the personal services which come within the provisions of this act are the personal services rendered by certified public accountants, public accountants, *chiropractic physicians* ~~chiropractors~~, dentists, osteopathic physicians, physicians and surgeons, doctors of medicine, doctors of dentistry, podiatrists, chiroprodists, architects, veterinarians, attorneys at law, and life insurance agents.

Section 282. Paragraph (h) of subsection (4) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(h) As used in this subsection:

1. “Health care provider” means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopathic physicians licensed under chapter 459; podiatrists licensed under chapter 461; dentists licensed under chapter 466; *chiropractic physicians* ~~chiropractors~~ licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under chapter 464; midwives licensed under chapter 467; clinical laboratories registered under chapter 483; physician assistants certified under chapter 458; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certified under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. "Other medical facility" means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing nonsurgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an "other medical facility."

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 395, or other medical facility as defined in subparagraph 2.

Section 283. Paragraph (b) of subsection (1) of section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

- (1) DEFINITIONS.—As used in this section, the term:
- (b) "Health care provider" means any:
1. Hospital licensed under chapter 395.
  2. Physician licensed, or physician assistant certified, under chapter 458.
  3. Osteopathic physician licensed under chapter 459.
  4. Podiatrist licensed under chapter 461.
  5. Health maintenance organization certificated under part I of chapter 641.
  6. Ambulatory surgical center licensed under chapter 395.
  7. *Chiropractic physician* ~~Chiropractor~~ licensed under chapter 460.
  8. Psychologist licensed under chapter 490.
  9. Optometrist licensed under chapter 463.
  10. Dentist licensed under chapter 466.
  11. Pharmacist licensed under chapter 465.
  12. Registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under chapter 464.
  13. Other medical facility.
  14. Professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9., 10., 11., and 12. for professional activity.

Section 284. Subsection (10) of section 627.6482, Florida Statutes, is amended to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(10) "Physician" means a physician licensed under chapter 458; an osteopathic physician licensed under chapter 459; a *chiropractic physician* ~~chiropractor~~ licensed under chapter 460; a podiatrist licensed under chapter 461; or, for purposes of oral surgery only, a dental surgeon licensed under chapter 466.

Section 285. Subsection (1) of section 641.316, Florida Statutes, is amended to read:

641.316 Fiscal intermediary services.—

(1) It is the intent of the Legislature, through the adoption of this section, to ensure the financial soundness of fiscal intermediary services organizations established to develop, manage, and administer the business affairs of health care professional providers such as medical doctors, doctors of osteopathy, doctors of *chiropractic medicine*, doctors of podiatric medicine, doctors of dentistry, or other health professionals regulated by the Department of Health.

Section 286. Section 725.01, Florida Statutes, is amended to read:

725.01 Promise to pay another's debt, etc.—No action shall be brought whereby to charge any executor or administrator upon any special promise to answer or pay any debt or damages out of her or his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person or to charge any person upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, tenements or hereditaments, or of any uncertain interest in or concerning them, or for any lease thereof for a period longer than 1 year, or upon any agreement that is not to be performed within the space of 1 year from the making thereof, or whereby to charge any health care provider upon any guarantee, warranty, or assurance as to the results of any medical, surgical, or diagnostic procedure performed by any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466, unless the agreement or promise upon which such action shall be brought, or some note or memorandum thereof shall be in writing and signed by the party to be charged therewith or by some other person by her or him thereunto lawfully authorized.

Section 287. Paragraph (b) of subsection (1) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(b) The term "health care providers" means physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, podiatrists licensed under chapter 461, optometrists licensed under chapter 463, dentists licensed under chapter 466, *chiropractic physicians* ~~chiropractors~~ licensed under chapter 460, pharmacists licensed under chapter 465, or hospitals or ambulatory surgical centers licensed under chapter 395.

Section 288. Paragraph (a) of subsection (6) of section 766.102, Florida Statutes, is amended to read:

766.102 Medical negligence; standards of recovery.—

(6)(a) In any action for damages involving a claim of negligence against a physician licensed under chapter 458, osteopathic physician licensed under chapter 459, podiatrist licensed under chapter 461, or *chiropractic physician* ~~chiropractor~~ licensed under chapter 460 providing emergency medical services in a hospital emergency department, the court shall admit expert medical testimony only from physicians, osteopathic physicians, podiatrists, and *chiropractic physicians* ~~chiropractors~~ who have had substantial professional experience within the preceding 5 years while assigned to provide emergency medical services in a hospital emergency department.

Section 289. Subsection (3) of section 766.103, Florida Statutes, is amended to read:

766.103 Florida Medical Consent Law.—

(3) No recovery shall be allowed in any court in this state against any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466 in an action brought for treating, examining, or operating on a patient without his or her informed consent when:

(a) 1. The action of the physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, podiatrist, or dentist in obtaining the consent of the patient or another person authorized to give consent for the patient was in accordance with an accepted standard of medical practice among members of the medical profession with similar training and experience in the same or similar medical community; and

2. A reasonable individual, from the information provided by the physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, podiatrist, or dentist, under the circumstances, would have a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedures, which are recognized



among other physicians, osteopathic physicians, *chiropractic physicians* ~~chiropractors~~, podiatrists, or dentists in the same or similar community who perform similar treatments or procedures; or

(b) The patient would reasonably, under all the surrounding circumstances, have undergone such treatment or procedure had he or she been advised by the physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, podiatrist, or dentist in accordance with the provisions of paragraph (a).

Section 290. Subsection (2) of section 817.234, Florida Statutes, is amended to read:

817.234 False and fraudulent insurance claims.—

(2) Any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, *chiropractic physician* ~~chiropractor~~ licensed under chapter 460, or other practitioner licensed under the laws of this state who knowingly and willfully assists, conspires with, or urges any insured party to fraudulently violate any of the provisions of this section or part XI of chapter 627, or any person who, due to such assistance, conspiracy, or urging by said physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, or practitioner, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, or practitioner is adjudicated guilty of a violation of this section, the Board of Medicine as set forth in chapter 458, the Board of Osteopathic Medicine as set forth in chapter 459, the Board of Chiropractic Medicine as set forth in chapter 460, or other appropriate licensing authority shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopathic physician, *chiropractic physician* ~~chiropractor~~, or practitioner.

Section 291. The catchline and subsection (1) of section 945.047, Florida Statutes, are amended to read:

945.047 Licensing requirements for physicians, osteopathic physicians, and *chiropractic physicians* ~~chiropractors~~ employed by the department.—

(1) The Department of Corrections shall employ only physicians, osteopathic physicians, or chiropractic physicians holding licenses in good standing to practice medicine in this state, except that, by October 1, 1980, no more than 10 percent of the total number of such physicians employed by the department may be exempted from the provisions of this subsection. Each such exempted physician shall hold a valid license to practice medicine, osteopathic medicine, or chiropractic medicine in another state and shall have been certified by the appropriate board as eligible for admission for examination in this state under chapter 458, chapter 459, or chapter 460, as applicable. The appropriate board shall not certify as eligible for admission for examination any person who has been adjudged unqualified or guilty of any of the acts enumerated in the disciplinary provisions contained in chapter 458, chapter 459, or chapter 460, as applicable.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: amending ss. 20.43, 322.125, 381.0031, 381.0302, 382.002, 395.0195, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 455.564, 455.654, 455.684, 455.691, 455.694, 456.31, 456.32, 459.002, 460.403, 460.404, 460.405, 460.406, 460.408, 460.411, 460.412, 460.413, 460.4166, 462.01, 468.301, 468.302, 468.314, 476.044, 477.0135, 483.901, 486.021, 486.161, 621.03, 627.351, 627.357, 627.6482, 641.316, 725.01, 766.101, 766.102, 766.103, 817.234, and 945.047, F.S.; revising terminology relating to chiropractic medicine; retitling chapter 460, F.S., to conform; providing form of professional licenses;

Senators Gutman and Casas offered the following amendment which was moved by Senator Gutman and adopted:

**Amendment 13 (with title amendment)**—On page 187, between lines 2 and 3, insert:

Section 242. Paragraph (a) of subsection (1) of section 458.3115, Florida Statutes, is amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)(a) Notwithstanding any other provision of law, the agency shall provide procedures under which certain physicians who are or were foreign-licensed and have practiced medicine no less than 2 years may take the USMLE or an agency-developed examination to qualify for a restricted license to practice medicine in this state. The agency and board-developed examination shall test the same areas of medical knowledge as the Federation of State Medical Boards of the United States, Inc. (FLEX) previously administered by the Florida Board of Medicine to grant medical licensure in Florida. ~~Said examination shall be in the same form and content and shall be administered in the same manner as the FLEX.~~ The agency-developed examination must be made available no later than ~~December 31~~ ~~September 1~~, 1998, to a physician who qualifies for licensure. A person who is eligible to take and elects to take the agency and board-developed examination, who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the agency-developed examination, and may sit for the agency and board-developed examination five times within 5 years.

Section 243. *The sum of \$1.2 million from the unallocated balance in the Medical Quality Assurance Trust Fund is appropriated to the Department of Health to allow the department to develop the examination required for foreign licensed physicians in section 458.3115(1)(a), Florida Statutes, through a contract with the University of South Florida. The department shall charge examinees a fee that, in the aggregate, will reimburse the Medical Quality Assurance Trust Fund for the amount advanced to the department under this section. This section expires July 1, 1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: providing an appropriation to the Department of Health to develop the examination required for foreign-licensed physicians; providing examination fees; providing an expiration date;

Senator Gutman moved the following amendment:

**Amendment 14 (with title amendment)**—On page 187, between lines 2 and 3, insert:

Section 242. Paragraph (b) of subsection (1) of section 490.005, Florida Statutes, is amended to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has:

(b) Submitted proof satisfactory to the board that the applicant has:

1. Received doctoral-level psychological education, as defined in s. 490.003(3);

2. Received the equivalent of a doctoral-level psychological education, as defined in s. 490.003(3), from a program at a school or university located outside the United States of America and Canada, which was officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. The burden of establishing that the requirements of this provision have been met shall be upon the applicant; ~~or~~

3. Received and submitted to the board, prior to July 1, 1999, certification of an augmented doctoral-level psychological education from the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States Department of Education; *or*

4. *Received and submitted to the board, prior to July 1, 2001, certification of a doctoral-level program that at the time the applicant was enrolled and graduated maintained a standard of training comparable to the standard of training of programs accredited by the American Psychological Association, as such comparability was determined immediately prior to the amendment of section 490.005, Florida Statutes, 1994*

*Supplement, by section 5 of chapter 95-279, Laws of Florida. However, this subparagraph applies only to applicants who were enrolled in such a program before October 1, 1995. This subparagraph is repealed on July 1, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 21, after the semicolon (;) insert: amending s. 490.005, F.S.; revising requirements for licensure as a psychologist by examination to grandfather in certain applicants; providing for future repeal of such grandfathering provisions

Senator Gutman moved the following amendment to **Amendment 14** which was adopted:

**Amendment 14A (with title amendment)**—On page 2, lines 12-22, delete those lines and insert:

*4. Received and submitted to the board, prior to July 1, 2001, certification of a doctoral-level program that at the time the applicant was enrolled and graduated maintained a standard of education and training comparable to the standard of training of programs accredited by a programmatic agency recognized and approved by the United States Department of Education, as such comparability was determined by the Board of Psychological Examiners immediately prior to the amendment of section 490.005, Florida Statutes, 1994 Supplement, by section 5 of chapter 95-279, Laws of Florida.*

And the title is amended as follows:

On page 3, lines 4 and 5, delete those lines and insert: applicants;

**Amendment 14** as amended was adopted.

Senator Klein moved the following amendment which was adopted:

**Amendment 15**—On page 174, line 17, delete “and” and insert: or

On motion by Senator Myers, further consideration of **CS for SB 2128** as amended was deferred.

On motion by Senator Dyer—

**CS for SB 2092**—A bill to be entitled An act relating to child care facilities; amending s. 402.302, F.S.; excluding operators of transient establishments from the definition of “child care facility”; 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.

—was read the second time by title.

Senator Kurth offered the following amendment which was moved by Senator Dyer and adopted:

**Amendment 1**—On page 3, line 28 through page 4, line 2, delete those lines and insert: *physical facilities of a child care program for school-age children which is operated in a public school facility, the department shall adopt the State Uniform Building Code for Public Educational Facilities Construction as the minimum standards, regardless of the operator of the program. The Legislature intends that if a child care program for school-age children is operated in a public school, the program*

Senator Kurth moved the following amendment which was adopted:

**Amendment 2 (with title amendment)**—On page 4, between lines 12 and 13, insert:

Section 3. Subsections (1), (3), (4), and (5) of section 409.178, Florida Statutes, are amended to read:

409.178 Child Care Partnership Act; findings and intent; grant; limitation; rules.—

(1) This section may be cited as the “Child Care *Executive Partnership Act.*”

(3) There is created a body politic and corporate known as the Child Care Executive Partnership which shall establish and govern the Child Care *Executive Partnership Program.* The purpose of the Child Care *Executive Partnership Program* is to utilize state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources, so that Florida communities may create local flexible partnerships with employers. The Child Care *Executive Partnership Program* funds shall be used at the discretion of local communities to meet the needs of ~~local communities in addressing the child care needs of~~ working parents. A child care purchasing pool shall be developed with the state, federal, and local funds to provide subsidies to low-income working parents who are eligible for subsidized child care with a dollar-for-dollar match from employers, local government, and other matching ~~contributors.~~ The funds used from the child care purchasing pool must be used to supplement or extend the use of existing public or private funds and may not be used to supplant the maintenance of effort presently exerted by the employer or other participant in the activity funded.

(4) The Child Care Executive Partnership, staffed by the department, shall consist of:

- (a) a representative of the Executive Office of the Governor; and
- (b) nine members of the corporate or child care community, appointed by the Governor, ~~to be known hereafter as the “board.”~~

~~(c) One representative from each of the 10 Child Care Partnership Program pilot purchasing pool counties established by the board, known hereafter as the “oversight group.”~~

~~(a)1. Members of the board shall serve for a period of 4 years, except that:~~

~~2. Members of the oversight group and the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.~~

~~(b)3. The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote of the board and shall meet at least quarterly and at other times upon the call of the chair.~~

~~(c)4. Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.~~

~~(d)5. The Child Care Executive Partnership shall have all the powers and authority, not explicitly prohibited by statute, necessary to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:~~

- ~~1.a. Assisting in the formulation and coordination of the state’s child care policy.~~
- ~~2.b. Adopting an official seal.~~
- ~~3.e. Soliciting, accepting, receiving, investing, and expending funds from public or private sources.~~
- ~~4.d. Contracting with public or private entities as necessary.~~
- ~~5.e. Approving an annual budget.~~
- ~~6.f. Carrying forward any unexpended state appropriations into succeeding fiscal years.~~

~~7.g. Providing a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, on or before December 1 of each year.~~

(5)(a) The Legislature shall annually determine the amount of state or federal low-income child care moneys which shall be used to create Child Care *Executive Partnership Program* child care purchasing pools in counties chosen by ~~the board of~~ the Child Care Executive Partnership

through June 30, 1998, provided that at least two of the counties have populations of no more than 300,000. After that date, The Legislature shall annually review the effectiveness of the child care purchasing pool program and reevaluate the percentage of additional state or federal funds, if any, that can be used for the program's expansion.

(b) To ensure a seamless service delivery and ease of access for families, the community coordinated child care agencies or the state resource and referral agency shall administer the child care purchasing pool funds.

(c) The department, in conjunction with the Child Care Executive Partnership, shall develop procedures for disbursement of funds through the shall issue a request for proposal for the operation of the pilot child care purchasing pools. In order to be considered for funding, the community coordinated child care agency or the statewide resource and referral agency must commit to:

1. Matching the state pilot purchasing pool funds on a dollar-for-dollar basis; and

2. Expending only those public funds which are matched by employers, local government, and other matching contributors who contribute to the pilot purchasing pool. Parents shall also pay a fee, which shall be not less than the amount identified in based upon the department's subsidized child care sliding fee scale.

(d) Each community coordinated child care agency shall be required to establish a community child care task force for each pilot child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative each from the district interagency coordinating council for children's services and the local children's services council, if they exist in the area of the pilot purchasing pool. The community coordinated child care agency is expected to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area of a pilot purchasing pool. A majority of the task force shall consist of employers. Each task force shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the pilot purchasing pool, how many will be new to receiving child care services, and how the community coordinated child care agency intends to attract new employers and their employees to the program pilot project.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 409.178, F.S.; conforming title of the partnership program; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements;

Pursuant to Rule 4.19, CS for SB 2092 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

**SB 400**—A bill to be entitled An act relating to state financial accountability; creating the Florida Single Audit Act; providing intent and findings; creating s. 216.3491, F.S.; providing purposes of the act; providing definitions; providing duties of the Executive Office of the Governor, the Comptroller, and state agencies that award state funds to nonstate agencies to carry out state projects; providing conditions on nonstate agencies' receipt of state funds; requiring recipients and subrecipients of state funds to obtain audits; prescribing standards for such audits; prescribing duties of auditors; providing for access to records; prescribing duties of the Auditor General; repealing s. 216.349, F.S., relating to financial review of grants and aids appropriations; amending s. 265.2861, F.S., to conform; providing applicability; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendments which were adopted:

**Amendment 1**—On page 14, delete line 24 and insert: *complied with the provisions of laws, rules, and*

**Amendment 2**—On page 16, lines 30 and 31, delete those lines and insert: *fiscal year beginning on or after July 1, 2000.*

Section 6. This act shall take effect July 1, 2000.

Pursuant to Rule 4.19, SB 400 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman, the Senate resumed consideration of—

**SB 1976**—A bill to be entitled An act relating to the Construction Industry Recovery Fund; amending s. 489.143, F.S.; increasing the aggregate amount that may be paid for claims against any one certificate-holder or registrant; providing an effective date.

—with pending Amendment 1 by Senator Forman.

Senators Dudley, Forman and Lee offered the following substitute amendment which was moved by Senator Dudley and adopted:

**Amendment 2**—On page 1, lines 16-21, delete those lines and insert: *aggregate, \$100,000 annually, up to a total aggregate of \$250,000. Beginning January 1, 1998, for any claim approved by the board which is in excess of the annual cap, the amount in excess of \$100,000 up to the total aggregate cap of \$250,000 is eligible for payment in the next and succeeding fiscal years, but only after all claims for the then current calendar year have been paid. Payments may not exceed the aggregate annual or per-claimant limits under law.*

Pursuant to Rule 4.19, SB 1976 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, by two-thirds vote HB 4039 was withdrawn from the Committees on Governmental Reform and Oversight; Natural Resources; and Ways and Means.

On motion by Senator Campbell—

**HB 4039**—A bill to be entitled An act relating to state lands; creating s. 253.0345, F.S.; providing for special events; providing an effective date.

—a companion measure, was substituted for CS for SB 2346 and read the second time by title.

Senator Campbell moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 28, delete "*submerged land lease or consent of use*" and insert: *special event provided for in subsection (1)*

Pursuant to Rule 4.19, HB 4039 as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

**CS for SB 1752**—A bill to be entitled An act relating to health insurance; amending s. 636.016, F.S.; requiring prepaid limited health service contracts to provide certain information; requiring prepaid limited health service organizations to provide certain information; amending s. 636.038, F.S.; requiring prepaid limited health service organizations to report certain information annually; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, CS for SB 1752 was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

**SB 854**—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Sheriffs Youth Ranches license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

Senator Williams moved the following amendment which was adopted:

**Amendment 1**—On page 2, lines 1-4, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

Pursuant to Rule 4.19, **SB 854** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote **CS for HB 3107** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

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

**CS for HB 3107**—A bill to be entitled An act relating to sexual predator registration; amending s. 775.21, F.S.; revising an exception to sexual predator registration requirements; revising the conditions for removal of sexual predator designation by the court; requiring filing of the petition for removal in the circuit of the sexual predator's residence; extending from 10 years to 20 years the minimum period following the sexual predator's release during which the predator may not have been arrested before petitioning the court to remove the sexual predator designation; requiring the petitioner to make certain demonstrations to the court with respect to lack of arrest and compliance with federal standards for removal of designation as a predator; permitting the removal of designation only when the court is satisfied the petitioner is not a threat to the public safety; requiring specified notice of hearing on the petition to the state attorney in the circuit where filed; allowing the state attorney to present evidence in opposition to the petition; allowing the court to establish date for rehearing of petition, if denied; providing an effective date.

—a companion measure, was substituted for **CS for SB 514** and read the second time by title.

Senator Grant moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 2, line 14 through page 3, line 5, delete those lines and insert: a sexual predator who was designated a sexual predator by a court before July 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. A sexual predator who was designated a sexual predator by a court on or after July 1, 1998, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. The court may ~~has the discretion to grant or deny~~ such relief if the petitioner demonstrates to the court that he or she has not been arrested for any felony or misdemeanor offense since release, the requested relief complies with federal standards applicable to the removal of the designation as a sexual predator, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual predator may again petition the court for relief, subject to the standards for relief provided in this paragraph.

And the title is amended as follows:

On page 1, lines 2-26, delete those lines and insert: An act relating to sexual predators; amending s. 775.21, F.S.; revising the period of time after which a sexual predator may petition the court for removal of such designation; requiring that the court make certain determinations following a petition to remove an offender's designation as a sexual predator; requiring that the state attorney be given notice of such petition; authorizing the state attorney to present evidence at the hearing on the petition; authorizing the court to allow a sexual predator to petition the court at a future date;

Senators Silver, Dudley, Bankhead and Grant offered the following amendment which was moved by Senator Dudley and adopted:

**Amendment 2 (with title amendment)**—On page 3, between lines 5 and 6, insert:

Section 2. *Notwithstanding the proviso language associated with Specific Appropriation 620 in the Conference Report on House Bill 4201, which is the 1998-1999 General Appropriations Act, the funds provided in Specific Appropriation 620 are not contingent upon the implementation of a quarterly workload report.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: providing that funding provided in House Bill 4201, the General Appropriations Act for fiscal year 1998-1999, for Specific Appropriation 620 is not contingent upon implementing a specified report;

Pursuant to Rule 4.19, **CS for HB 3107** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Myers, the Senate resumed consideration of—

**CS for SB 2128**—A bill to be entitled An act relating to regulation of professions; amending ss. 455.209, 455.213, 455.218, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.225, F.S.; revising probable-cause provisions; prescribing authority of the department or a board in cases of failure to comply with continuing-education requirements; conforming provisions to a previous administrative reorganization; amending s. 455.2285, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.667, F.S.; revising provisions relating to ownership and control of patient records; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards under the department to refuse to issue an initial license under circumstances relating to ongoing investigations or prosecutions of certain applicants; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 415.1055, 415.5055, 415.51, 440.13, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.404, 460.4061, 460.407, 461.004, 461.007, 461.013, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, and 937.031, F.S.; correcting references, cross-references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; authorizing the department to issue a physicist-in-training certificate; authorizing the Board of Medicine to adopt by rule practice standards; authorizing the

Board of Osteopathic Medicine to adopt by rule practice standards; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, 641.60, F.S.; correcting cross-references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 381.026, 381.0261, 381.0302, 395.0191, 395.1041, 395.301, 404.22, 409.906, 415.503, 440.106, 440.13, 440.134, 440.15, 455.684, 455.691, 455.697, 455.698, 456.31, 456.32, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013, 461.0134, 461.014, 461.015, 461.018, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 627.912, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 893.02, 984.03, F.S.; revising terminology relating to podiatry and podiatrists; authorizing dentists and dental hygienists to be governmental contractors; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; requiring the Department of Health to adopt rules governing insurance coverage for midwives; amending s. 455.564, F.S.; requiring that the Department of Health or a regulatory board adopt rules governing alternative methods by which licensees may obtain continuing education credits in risk management; amending s. 455.574, F.S.; requiring the Department of Health to adopt rules governing licensure examinations; amending s. 468.705, F.S.; requiring that the Department of Health adopt rules governing a protocol between athletic trainers and supervising physicians; amending s. 865.09, F.S., relating to fictitious name registration; providing certain exemptions for persons licensed by the Department of Health; amending ss. 627.6407, 627.6619, F.S.; providing conditions for health insurance coverage of massage; amending s. 458.317, F.S.; providing requirements for a physician who practices under a limited license; amending s. 465.019, F.S.; providing emergency room physician authority to dispense up to a 24-hour drug supply to a patient under certain circumstances; amending s. 468.703, F.S.; revising requirements for members of the Council of Athletic Training; amending s. 766.204, F.S.; revising procedures for the availability of medical records; providing an effective date.

—which was previously considered and amended this day.

Senator Dudley moved the following amendment which was adopted:

**Amendment 16**—On page 9, lines 16-19, delete those lines and insert: expiration of the time limit. If the probable cause panel finds that probable cause

Pursuant to Rule 4.19, **CS for SB 2128** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**MOTION**

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Monday, April 27.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 24, 1998: CS for SB 1352, CS for CS for SB 1358, CS for SB 366, CS for SB 1522, CS for SB 814, CS for CS for SB's 1794 and 2200, CS for SB 1646, SB 1266, CS for SB 190, CS for SB 1644, SB 2122, SJR 542, CS for SB 244, CS for SB 364, CS for CS for SB 1728, CS for CS for SB 374, CS for SB 642, CS for SB 1014, CS for SB 1338, CS for SB 140, CS for SB 1686, CS for SB 1688, CS for SB 1690, CS for SB 1692, CS for SB 1694, CS for SB 1696, CS for SB 2164, SB 292, SB 1300, SB 1302

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

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Friday, April 24, 1998: CS for SB 140, SB 212, CS for SB 244, SB 354, CS for SB 418, CS for SB 636, SB 790, CS for SB 794, SB 828, SB 884, SB 950, CS for SB 962, CS for CS for SB 1024, CS for SB 1158, SB 1306, CS for CS for SB 1366, SB 1750, SB 1776, CS for CS for SB's 1794 and 2200, CS for CS for SB 1846, CS for SB 2146, SB 2276

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

The Committee on Rules and Calendar recommends the following pass: SJR 324, SB 992

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

The Committee on Rules and Calendar recommends the following pass: SJR 246, SJR 610, SJR 1008 with 1 amendment, SB 1032, SR 2108, CS for SB 2170 with 10 amendments

The Committee on Ways and Means recommends the following pass: CS for SB 440 with 1 amendment, CS for SB 504, SB 1080, SB 2454 with 2 amendments

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

The Committee on Ways and Means recommends a committee substitute for the following: SB 1900

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

The Committee on Judiciary recommends a committee substitute for the following: SB 2244

**The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.**

The Committee on Ways and Means recommends committee substitutes for the following: SB 300, CS for CS for SB 938, SB 1270, SB 1748, CS for SB's 2024 and 2648, CS for SB 2258

**The bills with committee substitutes attached were placed on the calendar.**

**INTRODUCTION AND REFERENCE OF BILLS**

**FIRST READING**

By Senator Jones—

**SB 2720**—A bill to be entitled An act relating to Monroe County; amending chapter 97-348, Laws of Florida, relating to the charter of Islamorada, Village of Islands; revising transition provisions relating to state-shared revenues to extend a waiver of applicable revenue-sharing eligibility requirements and to authorize the usage of millage levied by the Monroe County Mosquito Control District for purposes of meeting the minimum amount of revenue required to be raised for revenue-sharing eligibility; clarifying legislative intent regarding the referendum required to effectuate the charter, which referendum was concluded on November 4, 1997, with the required majority of voters approving the charter; adopting nunc pro tunc the effective dates in chapter 97-348, Laws of Florida, in connection with the clarification of legislative intent; declaring the charter to be effective pursuant to its terms and conditions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

**Senate Resolutions 2722—2724**—Not referenced.

By Senator Campbell—

**SB 2726**—A bill to be entitled An act relating to the Central Broward Water Control District, Broward County; amending section 4g. of charter; deleting the provision for expense reimbursement; amending section

4j. of charter to provide for assumption of office at the first regular meeting following the election; amending section 7 of charter to provide for an organizational meeting annually at the first regular meeting following the first Tuesday after the first Monday in November; deleting obsolete provisions; codifying the Charter of the Central Broward Water Control District, an independent special district; codifying chapter 61-1439, Laws of Florida, as amended; consolidating amendments thereto contained in this act and chapters 65-1006, 67-1002, 69-528, 70-479, 71-388, 72-486, 79-432, 80-462, 82-268, 85-388, 86-359, 86-363, 87-506, 88-523, 91-350, 94-426, and 96-536, Laws of Florida; repealing chapters 61-1439, 65-1006, 67-1002, 69-528, 70-479, 71-388, 72-486, 79-432, 80-462, 82-268, 85-388, 86-359, 86-363, 87-506, 88-523, 91-350, 94-426, and 96-536, Laws of Florida; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Ways and Means; and Senators Hargrett and Lee—

**CS for SB 300**—A bill to be entitled An act relating to economic development; authorizing tax credits to a certain business; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax 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. 290.0055, F.S.; extending the date by which certain counties may apply to amend enterprise zone boundary lines; amending s. 290.0065, F.S.; providing for amendment of the boundaries of an enterprise zone designated pursuant to s. 290.0065(5)(b), F.S., upon application by the county to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones upon request from certain counties; providing restrictions; providing an appropriation to the Department of Community Affairs; providing an appropriation to the Office of Tourism, Trade, and Economic Development for the Technological Research and Development Authority; providing an effective date.

By the Committees on Ways and Means; Governmental Reform and Oversight; Transportation; and Senator Harris—

**CS for CS for CS for SB 938**—A bill to be entitled An act relating to the operation and registration of motor vehicles; amending s. 320.02, F.S.; providing for voluntary contributions on motor vehicle registration applications; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; creating s. 322.081, F.S.; revising provisions with respect to requirements for requests to establish voluntary contributions on driver's license applications; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; amending s. 322.21, F.S.; revising provisions with respect to license fees for the renewal of certain Class D or Class E licenses; providing an effective date.

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

**CS for SB 1270**—A bill to be entitled An act relating to public funds; providing for the appropriation of revenues obtained as a result of the

settlement of litigation involving the tobacco industry; providing for specified amounts to be appropriated to the Department of Health to continue implementing the Florida Kids Campaign Against Tobacco Pilot Program; providing for additional appropriations of revenues to be used for marketing, education and training, youth programs, and community partnerships; providing an appropriation to the Department of Business and Professional Regulation; requiring that such funds be used to enforce laws governing access to and possession of tobacco products by underage persons; providing for an evaluation of the pilot program; providing for program coordination and administrative support; providing an appropriation to the Working Capital Fund; providing an effective date.

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

**CS for SB 1748**—A bill to be entitled An act relating to funds distributed to local governments; amending s. 236.081, F.S.; amending the prerequisites to excluding from the computation of district required local effort the assessed value of property that is the subject of litigation; creating s. 218.66, F.S.; providing for a special distribution of funds from the Local Government Half-cent Sales Tax Clearing Trust Fund to a county or municipality under certain conditions; providing an effective date.

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

**CS for SB 1900**—A bill to be entitled An act relating to sales taxes; creating s. 212.0805, F.S.; designating the second Saturday in August as Taxpayer Relief Day; providing that certain sales on that day be free of sales taxes; authorizing counties to exempt sales from discretionary local surtaxes; providing for rules; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senators Latvala and Laurent—

**CS for CS for SB's 2024 and 2648**—A bill to be entitled An act relating to the Florida Forever Program; creating s. 259.202, F.S.; providing for the Florida Forever Program Act; providing legislative findings and intent relating to the acquisition of lands for conservation, ecosystem restoration, recreation, water resource and water supply development, and urban green space and recreational opportunities; providing a process for surplus Florida Forever lands; authorizing the sale of up to \$3 billion in bonds to implement the Florida Forever Program; providing for alternatives to fee simple acquisitions, providing a limitation on such acquisitions; providing a funding mechanism for the State Lands Management Trust Fund, which is to be created by general law; providing for the continuation of existing debt service payments for prior bond issues; providing uses for the State Lands Management Trust Fund; creating the Preservation 2000 Program Review Study Commission; providing for membership of the commission and its duties; requiring a report; providing an appropriation; amending s. 259.032, F.S.; revising eligibility requirements for payments in lieu of taxes; providing for payments in lieu of taxes to school boards, as well as to Glades County to compensate the county for its tax loss due to the opening of a prison; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisal reports provided by nonprofit organizations or public agencies; amending s. 259.101, F.S.; requiring the Department of Environmental Protection to fund certain fixed capital outlay projects; requiring the Southwest Florida Water Management District to fund water supply development activities; providing a limitation and requirements; requiring the South Florida Water Management District to fund Everglades restoration; requiring an extraordinary vote of the Board of Trustees of the Internal Improvement Trust Fund before an acquisition may be made in a county having more than 35 percent of its lands in public ownership; providing a limitation on the acquisition of projects using less than fee acquisition alternatives; delaying the redistribution of certain funds; revising accounting procedures relating to a redistribution of certain Preservation 2000 moneys; amending s. 373.59, F.S.; revising eligibility requirements for payments in lieu of taxes; providing for payments in lieu of taxes to school boards; authorizing the Board of Trustees of the Internal Improvement Trust Fund to transfer specified lands to Walton County at a specified price, providing limitations on the

use of those lands; amending s. 253.82, F.S.; providing for all transportation easements acquired under the Murphy Act to be conveyed to the Department of Transportation or the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing transportation reservations acquired under the Murphy Act; setting requirements for the review process; providing for compensation of certain property owners when the reservation denies current economic use of the property; providing for mediation or arbitration; amending ss. 712.04, 712.05, F.S.; providing for the release of certain easements held by governmental entities; providing for preservation of certain road easement reservations pursuant to a road project scheduled to begin within a specified period; amending s. 201.15, F.S.; revising the amounts of tax revenues to be distributed for debt service on the Preservation 2000 Program and the Florida Forever Program; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

**CS for SB 2244**—A bill to be entitled An act relating to child support enforcement; amending s. 61.13, F.S.; requiring child support orders to apportion certain medical expenses; providing requirements for notice and service of process; amending s. 61.1301, F.S.; revising provisions relating to income deduction orders and notices; amending s. 61.181, F.S.; requiring evaluation of certain child support enforcement demonstration projects; requiring a report; amending s. 61.30, F.S.; requiring certain information to accompany child support determinations; providing a limitation on retroactive awards; amending s. 69.041, F.S.; authorizing Department of Revenue participation in mortgage foreclosures based upon interests in a child support lien; amending ss. 319.24, 409.2575, F.S.; authorizing the director of the state child support enforcement program to delegate certain responsibilities with respect to motor vehicle liens; amending s. 319.32, F.S.; providing a fee for motor vehicle liens; amending ss. 372.561, 372.57, F.S.; requiring applicants for certain game and freshwater fish licenses to provide social security numbers; amending s. 382.008, F.S.; requiring death and fetal death registrations to include social security numbers, if available; restricting use of such numbers; amending s. 382.013, F.S.; providing for certain use of birth registration information; specifying inclusion of certain birth information on the birth certificate; providing certain notice relating to paternity affidavits; amending s. 409.2557, F.S.; providing specific rule-making authority; creating s. 409.2558, F.S.; providing for the department's distribution and disbursement of child support payments; creating s. 409.2559, F.S.; providing for establishment of a state disbursement unit; amending s. 409.2561, F.S., relating to child support obligations when public assistance is paid; amending s. 409.2564, F.S., relating to subpoenas in child support actions; providing for challenges; providing for enforcement; providing for fines; amending s. 409.25641, F.S.; providing for processing of automated administrative enforcement requests; creating s. 409.25658, F.S.; providing for use of certain unclaimed property for past-due child support; providing duties of the department and the Department of Banking and Finance; providing for notice and hearings; amending ss. 409.2567, 409.2578, 443.051, F.S.; correcting and conforming references; amending ss. 409.2572, 414.095, 414.32, F.S.; providing for determinations of good cause for failure to cooperate with the child support enforcement agency; amending ss. 409.2576, 455.213, F.S.; clarifying conditions for disclosure of social security numbers; amending s. 409.2579, F.S.; revising provisions which limit or prohibit disclosure of the identity and whereabouts of certain persons; providing a penalty; amending s. 443.1715, F.S., relating to disclosure of wage and unemployment compensation information; amending s. 741.04, F.S., relating to information required for issuance of a marriage license; amending s. 742.032, F.S., relating to requirements for notice and service of process; amending s. 61.14, F.S.; prohibiting deductions by local depositories for certain costs and fees until the total due the obligee has been paid; repealing s. 382.013(1), (2)(b), F.S., as amended by ch. 97-170, Laws of Florida, to clarify legislative intent with respect to conflicting enactments; providing an effective date.

By the Committees on Ways and Means; Education; and Senator Cowin—

**CS for CS for SB 2258**—A bill to be entitled An act relating to education; amending s. 231.02, F.S., relating to qualifications of district school system personnel; deleting certain provisions relating to background check; amending s. 231.096, F.S.; revising provisions relating to

teaching out-of-field; amending s. 231.15, F.S.; providing State Board of Education duties relating to teacher certification; amending s. 231.17, F.S.; revising provisions relating to qualification for a temporary certificate; amending s. 231.1725, F.S.; deleting provisions relating to employment of noncertificated teachers in critical teacher shortage areas; amending s. 231.261, F.S.; providing rulemaking authority of the Education Practices Commission; amending s. 231.263, F.S.; clarifying provisions relating to the recovery network program for educators; amending s. 231.47, F.S.; conforming a cross-reference; amending s. 231.546, F.S., relating to the Education Standards Commission; deleting duties relating to teacher education centers; amending s. 231.600, F.S.; revising requirements of the school district professional development system; creating s. 231.6002, F.S.; requiring school districts to develop professional development plans; providing for stipends and funding; providing for rules; amending s. 231.601, F.S.; deleting provisions relating to teacher education center purposes; amending s. 231.625, F.S.; deleting provisions relating to a teacher referral and recruitment center; requiring establishment of a teacher recruitment and retention services office; amending s. 231.6255, F.S.; revising provisions relating to the Christa McAuliffe Ambassador for Education Program; creating s. 231.63, F.S.; creating the Florida Educator Hall of Fame; providing for nominations, recommendations, and selection of members; amending s. 20.15, F.S.; creating additional divisions of the Department of Education; amending s. 231.262, F.S.; providing a show-cause process for violations of probation imposed by the Education Practices Commission; amending s. 231.28, F.S.; providing a show-cause process for violation of an order of the Education Practices Commission; providing authority for additional penalties; amending s. 236.081, F.S.; providing for a supplemental capping calculation for those districts whose weighted FTE enrollment is over the weighted FTE ceiling established in the annual appropriations act; providing a procedure for such calculation; repealing s. 236.081(8), F.S., which provides for a caps adjustment supplement for group 2 programs when there are funds remaining in the Florida Education Finance Program appropriation; amending s. 236.25, F.S.; conforming a cross-reference; amending s. 229.57, F.S.; authorizing the Commissioner of Education to establish criteria for exempting a student from taking certain parts of the high school competency test; repealing s. 231.613, F.S., relating to inservice training institutes; providing an effective date.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for HB 447, HB 3449, HB 3451, HB 3453, HB 3455, HB 3457, HB 3459, HB 3461, HB 3463, HB 3465, HB 3467, HB 3469, HB 3471, HB 3473, CS for CS for HB 4551, HB 4557, HB 4575, HB 4577, HB 4579, HB 4581, HB 4583, HB 4585, HB 4587, HB 4589, HB 4591, HB 4593, HB 4595, HB 4597, HB 4599, HB 4601, HB 4603, HB 4605, HB 4607, HB 4609, HB 4611, HB 4613, HB 4615, HB 4617, HB 4619, HB 4621, HB 4623, HB 4625, HB 4627, HB 4629, HB 4631, HB 4633, HB 4635, HB 4637, HB 4639, HB 4641, HB 4643, HB 4645, HB 4647, HB 4649, HB 4651, HB 4653, HB 4725, HB 4831, HB 4833; has passed as amended CS for HB 3661; has passed by the required Constitutional three-fifths vote of the membership HB 3475, CS for HJR 4553, HB 4655, HB 4657, HB 4659, HB 4661, HB 4663, HB 4711, HB 4713, HB 4715, HB 4717, HB 4719, HB 4721, HB 4723, HB 4727, HB 4729, HB 4731, HB 4733, HB 4735, HB 4737, HB 4739, HB 4813; has passed as amended by the required Constitutional three-fourths vote of the membership HB 4555; has adopted HCR 4829 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committees on Finance and Taxation; Governmental Operations; Transportation; and Representative Lippman and others—

**CS for CS for CS for HB 447**—A bill to be entitled An act relating to the Florida Safety Belt Law; amending s. 316.614, F.S.; providing for the issuance of a warning for a first violation of the act for a specified period; eliminating a provision which requires enforcement of the act only as a secondary action; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

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

**HB 3449**—A bill to be entitled An act relating to trust funds; re-creating the Turnpike Controlled Access Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3451**—A bill to be entitled An act relating to trust funds; re-creating the Toll Facilities Revolving Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3453**—A bill to be entitled An act relating to trust funds; re-creating the Transportation Disadvantaged Trust Fund within the Department of Transportation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3455**—A bill to be entitled An act relating to trust funds; re-creating the Highway Safety Operating Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3457**—A bill to be entitled An act relating to trust funds; re-creating the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3459**—A bill to be entitled An act relating to trust funds; re-creating the Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3461**—A bill to be entitled An act relating to trust funds; re-creating the Fuel Tax Collection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3463**—A bill to be entitled An act relating to trust funds; re-creating the Mobile Home and Recreational Vehicle Protection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3465**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3467**—A bill to be entitled An act relating to trust funds; re-creating the Working Capital Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3469**—A bill to be entitled An act relating to trust funds; re-creating the License Tax Collection Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 3471**—A bill to be entitled An act relating to trust funds; re-creating the Highway Patrol Insurance Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.



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

**HB 3473**—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds in the Department of Transportation are exempt from the automatic-termination requirements of Section 19(f), Article III of the State Constitution; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committees on General Government Appropriations, Environmental Protection and Representative Safley and others—

**CS for CS for HB 4551**—A bill to be entitled An act relating to the Florida 2020 Program; amending s. 201.15, F.S.; providing for distribution of certain documentary stamp tax revenues to the Land Acquisition Trust Fund to pay debt service on the Florida 2020 Program bonds; creating s. 201.155, F.S.; providing for annual appropriation to pay such debt service; creating s. 235.45, F.S.; establishing the Florida Year 2020 Higher Education Facilities Program; authorizing issuance of bonds for certain purposes; providing duties of the Commissioner of Education; requiring a report; providing financing requirements; amending s. 259.02, F.S.; providing bonding authority for the Florida 2020 Program; deleting obsolete language; creating s. 259.021, F.S.; subjecting bond issuance to constitutional authorization; providing requirements and limitations; amending s. 259.03, F.S.; deleting obsolete definitions; amending s. 259.032, F.S.; revising legislative intent to include an emphasis on water resource development and on adequate management of lands acquired by the state; directing the Board of Trustees of the Internal Improvement Trust Fund to consider buying lands that promote water resource development and facilitates restoration of the Everglades; specifying that Conservation and Recreation Lands Trust Fund shall be source of fund to pay management costs and payment-in-lieu-of-taxes for the Florida 2020 program; reducing a millage threshold for authorization for payment-in-lieu-of-taxes; deleting obsolete language throughout section; creating s. 259.034, F.S.; creating the Florida Lands Commission; specifying membership and duties of the commission; requiring the commission to develop an acquisition list; requiring a plan of restoration, acquisition, and capital improvements; providing requirements; authorizing the commission to adopt rules; amending s. 259.04, F.S.; directing the board of trustees to develop a 5-year plan for restoring, acquiring, or making capital improvements to lands or ecosystems identified by the Land Acquisition and Management Council or its successor; amending s. 259.041, F.S.; directing the Department of Environmental Protection's Division of State Lands to use appraisals obtained by other public agencies or by nonprofit organizations, if certain conditions are met; providing legislative intent and guidelines for use of less-than-fee simple land acquisition alternatives; amending s. 259.101, F.S.; clarifying redistribution of certain unspent P2000 funds; creating s. 259.105, F.S.; creating the Florida 2020 Act; providing legislative findings and intent; providing for disposition of bond proceeds issued pursuant to the act; specifying uses of the bond proceeds; specifying criteria to be used to select projects for the program; specifying the manner in which lands acquired under the program may be disposed of as surplus or donated for alternative government uses; providing requirements; providing procedures; authorizing the Florida Lands Commission, the Department of Environmental Protection, water management districts, and public agencies to adopt rules for certain purposes; amending s. 373.139, F.S.; prohibiting water management districts from participating in certain acquisitions by eminent domain under certain circumstances; amending s. 373.459, F.S.; specifying that Florida 2020 bond proceeds may be deposited into the Ecosystem Management and Restoration Trust Fund for use in financing Surface Water Improvement and Management projects; specifying eligibility for certain funds; amending s. 373.59, F.S.; providing that Florida 2020 bond proceeds may be spent to acquire water management district lands; limiting funding of management and related activities to documentary stamp tax revenues legislatively appropriated to the Water Management Lands Trust Fund; specifying that any revenues from the sale of water management district lands acquired with Florida 2020 proceeds shall only be spent to acquire lands that meet the program's criteria; providing for payment in lieu of taxes to qualifying school districts; amending s. 375.075, F.S.; providing that Florida 2020 bond proceeds shall be available to fund those Florida Recreational Development and Assistance Program projects selected through the Florida 2020 program process; directing the Department of

Environmental Protection and the Florida Communities Trust to assist qualified counties and municipalities to obtain certain grants; amending s. 380.507, F.S.; providing for the Florida Communities Trust program eligibility to receive Florida 2020 bond proceeds; providing procedures; amending s. 380.510, F.S.; including the Florida 2020 Trust Fund moneys as subject to conditions of grants and loans made by the Florida Communities Trust; creating the Florida 2020 Study Commission; specifying membership, duties, and responsibilities; requiring a report of findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives and certain legislative committees; providing an appropriation; providing for the sale of specified lands by the Board of Trustees of the Internal Improvement Trust Fund; providing for the deposit of funds into the Preservation 2000 Trust Fund; specifying the purposes for which funds derived from the future sale of such lands may be used; directing the St. John's River Water Management District and the South Florida Water Management District to begin immediate acquisition of certain parcels of real property for certain purposes; directing such water management districts to undertake condemnation proceedings under certain circumstances; amending a specified conservation easement; providing an effective date.

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

By Representative K. Pruitt and others—

**HB 4557**—A bill to be entitled An act relating to trust funds; creating s. 259.1051, F.S.; creating the Florida 2020 Trust Fund; specifying purposes of trust fund; specifying application of moneys in the trust fund; specifying sources of funds for the trust fund; requiring the Department of Environmental Protection to distribute moneys in the fund for certain purposes; requiring the department to administer the trust fund; providing for alternative use of moneys in the fund under certain circumstances; providing an effective date.

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

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4575**—A bill to be entitled An act relating to trust funds; re-creating the Criminal Justice Standards and Training Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4577**—A bill to be entitled An act relating to trust funds; re-creating the Correctional Work Program Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4579**—A bill to be entitled An act relating to trust funds; re-creating the Florida Agricultural Exposition Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4581**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4583**—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4585**—A bill to be entitled An act relating to trust funds; re-creating the Sale of Goods and Services Clearing Trust Fund within the Department of Corrections without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4587**—A bill to be entitled An act relating to trust funds; re-creating the Capital Collateral Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4589**—A bill to be entitled An act relating to trust funds; re-creating the Child Support Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4591**—A bill to be entitled An act relating to trust funds; re-creating the State Attorney RICO Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4593**—A bill to be entitled An act relating to trust funds; re-creating the Consumer Frauds Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4595**—A bill to be entitled An act relating to trust funds; re-creating the State Attorney's Forfeiture and Investigative Support Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4597**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4599**—A bill to be entitled An act relating to trust funds; re-creating the Indigent Criminal Defense Trust Fund within the Justice Administrative Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4601**—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4603**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4605**—A bill to be entitled An act relating to trust funds; re-creating the Juvenile Justice Training Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4607**—A bill to be entitled An act relating to trust funds; re-creating the Social Services Block Grant Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4609**—A bill to be entitled An act relating to trust funds; re-creating the Juvenile Crime Prevention and Early Intervention Trust Fund within the Department of Juvenile Justice without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4611**—A bill to be entitled An act relating to trust funds; re-creating the Criminal Justice Standards and Training Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4613**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4615**—A bill to be entitled An act relating to trust funds; re-creating the Forfeiture and Investigative Support Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4617**—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4619**—A bill to be entitled An act relating to trust funds; re-creating the Revolving Trust Fund within the Department of Law Enforcement without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4621**—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4623**—A bill to be entitled An act relating to trust funds; re-creating the Florida Motor Vehicle Theft Prevention Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4625**—A bill to be entitled An act relating to trust funds; re-creating the Consumer Frauds Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4627**—A bill to be entitled An act relating to trust funds; re-creating the Crimes Compensation Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4629**—A bill to be entitled An act relating to trust funds; re-creating the Florida Crime Prevention Training Institute Revolving

Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4631**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4633**—A bill to be entitled An act relating to trust funds; re-creating the Legal Services Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4635**—A bill to be entitled An act relating to trust funds; re-creating the Legal Affairs Revolving Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4637**—A bill to be entitled An act relating to trust funds; re-creating the Motor Vehicle Warranty Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4639**—A bill to be entitled An act relating to trust funds; re-creating the Elections Commission Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4641**—A bill to be entitled An act relating to trust funds; re-creating the Revolving Escrow Trust Fund within the Department of Legal Affairs without modification; carrying forward current balances

and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4643**—A bill to be entitled An act relating to trust funds; re-creating the Family Courts Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing for future termination; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4645**—A bill to be entitled An act relating to trust funds; re-creating the Court Education Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4647**—A bill to be entitled An act relating to trust funds; re-creating the State Mediation and Arbitration Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4649**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4651**—A bill to be entitled An act relating to trust funds; re-creating the Family Courts Trust Fund within the state courts system without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4653**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Parole Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Education Appropriations and Representative Sublette—

**HB 4725**—A bill to be entitled An act relating to disposition of funds accrued under the Florida Contraband Forfeiture Act; amending s. 932.7055, F.S.; requiring school boards and state universities to retain funds accrued under the act and account for them separately from other funds; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Rules, Resolutions, and Ethics; and Representative Thrasher and others—

**HB 4831**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 110.108, 110.123, 120.57, 154.04, 215.196, 216.292, 217.045, 217.11, 230.23, 255.102, 255.249, 255.25, 255.25001, 255.253, 255.254, 255.255, 255.257, 255.258, 255.31, 255.45, 255.451, 255.502, 255.503, 255.504, 255.505, 255.506, 255.507, 255.508, 255.509, 255.51, 255.511, 255.513, 255.514, 255.515, 255.517, 255.518, 255.52, 255.521, 255.522, 255.523, 265.001, 265.002, 265.2865, 272.03, 272.04, 272.05, 272.06, 272.07, 272.08, 272.09, 272.12, 272.121, 272.122, 272.124, 272.126, 272.185, 273.055, 281.02, 281.03, 281.04, 281.05, 281.06, 281.08, 281.09, 282.102, 282.103, 282.104, 282.105, 282.1095, 282.111, 283.30, 283.32, 284.33, 287.012, 287.017, 287.022, 287.032, 287.042, 287.045, 287.055, 287.056, 287.057, 287.058, 287.073, 287.083, 287.09451, 287.131, 287.15, 287.16, 287.161, 287.19, 288.15, 288.18, 318.21, 334.0445, 364.515, 365.171, 376.10, 395.1031, 401.013, 401.015, 401.018, 401.024, 403.7065, and 946.515, Florida Statutes, pursuant to the directive of the Legislature in s. 4, ch. 97-296, Laws of Florida, to substitute a reference to the Department of Management Services for all references in the Florida Statutes to any division, bureau, or other unit of the Department of Management Services, except for references to the Division of Administrative Hearings, the Division of Retirement, or commissions.

—was referred to the Committee on Rules and Calendar.

By the Committee on Rules, Resolutions, and Ethics; and Representative Thrasher and others—

**HB 4833**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 20.19, 20.316, 26.012, 27.02, 27.151, 27.52, 39.01, 39.40, 39.403, 39.408, 39.41, 39.452, 39.454, 49.011, 95.11, 228.041, 230.2316, 230.23161, 230.335, 232.17, 232.19, 239.117, 240.235, 240.35, 253.025, 316.003, 316.635, 318.143, 318.21, 397.6758, 397.706, 409.145, 409.1685, 409.2564, 409.803, 415.107, 415.5015, 415.503, 415.5086, 415.51, 419.001, 743.0645, 744.309, 784.075, 790.22, 790.23, 877.22, 921.0012, 921.0022, 938.17, 943.0515, 943.0585, 943.059, 944.401, 948.51, 958.04, 958.046, 960.001, 984.03, 984.04, 984.05, 984.071, 984.10, 984.15, 984.16, 984.20, 984.21, 984.22, 984.225, 984.226, 984.23, 984.24, 985.03, 985.213, 985.214, 985.218, 985.231, and 985.306, F.S., to conform to the directive of the Legislature in section 122 of chapter 97-238, Laws of Florida, to incorporate the reorganization of the content of chapter 39, F.S., into chapters 39, 984, and 985, F.S., as provided in chapter 97-238; correcting cross-references.

—was referred to the Committee on Rules and Calendar.

By the Committee on Governmental Operations and Representative Garcia and others—

**CS for HB 3661**—A bill to be entitled An act relating to authority of the State Board of Administration to invest public funds; amending s. 215.44, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to conduct or have conducted periodic performance audits of the board's management of trust fund investments and to submit the audit reports to the board and specified individuals; authorizing the State Board of Administration to invest funds of a state agency or unit of local government under certain circumstances; amending s. 215.47, F.S.; revising provisions relating to the investment of public funds and the securities authorized for such investment; providing for the loan of securities; repealing s. 215.455, F.S., relating to the loan of

securities, to conform; amending s. 215.50, F.S.; correcting a cross reference, to conform; amending s. 215.515, F.S.; eliminating review by the Department of Management Services of charges of the board for investment services rendered; amending s. 215.835, F.S.; authorizing the board to adopt rules necessary to carry out the provisions and intent of the State Bond Act; amending s. 159.825, F.S.; authorizing the board to adopt rules necessary to carry out provisions of law relating to interest rate waivers for the sale of taxable bonds; amending s. 190.016, F.S.; correcting a cross reference, to conform; amending s. 218.407, F.S.; revising provisions relating to local government resolutions required for deposit of surplus funds in the Local Government Surplus Funds Trust Fund; amending s. 235.187, F.S.; authorizing covenants that additional funds from lottery and certain similar sources will be available for payments for Classrooms First Program bonds before any other purpose; amending s. 235.2195, F.S.; authorizing covenants that additional funds from lottery and certain similar sources will be available for payments for the 1997 School Capital Outlay Bond Program bonds before any other purpose; creating s. 218.412, F.S.; authorizing the board to adopt rules necessary for the administration of the trust fund; creating s. 413.0115, F.S.; authorizing the board to invest and reinvest the portfolio of stocks, bonds, and mutual funds held by the Division of Blind Services; requiring the division director to make the portfolio available and transfer it to the board for investment; providing intent with respect to a time limitation on the issuance of certain lottery bonds; providing an effective date.

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

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

**HB 3475**—A bill to be entitled An act relating to trust funds; terminating specified trust funds and fund accounts within the Department of Transportation; providing for the transfer of current balances to general revenue, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Environmental Protection and Representative Constantine and others—

**CS for HJR 4553**—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution, relating to bonds for state conservation, recreation, and restoration programs and for postsecondary education infrastructure construction.

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

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4655**—A bill to be entitled An act relating to trust funds; creating the Employee Benefit Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carry-forward of funds; providing for future review and termination or recreation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4657**—A bill to be entitled An act relating to trust funds; creating the Inmate Welfare Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carry-

forward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4659**—A bill to be entitled An act relating to trust funds; creating the Privately Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections; providing for purposes and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4661**—A bill to be entitled An act relating to trust funds; creating s. 943.365, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Law Enforcement; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 932.7055 and 943.362, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Criminal Justice Appropriations and Representative Villalobos—

**HB 4663**—A bill to be entitled An act relating to criminal justice trust funds; terminating specified trust funds and fund accounts within the state courts system and the Department of Corrections; providing for the transfer of current balances to general revenue, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; modifying provisions relating to specified trust funds and fund accounts within the state courts system and the Department of Corrections; amending s. 216.272, F.S., relating to Working Capital Trust Funds used to fund data processing centers; removing reference to the judicial branch; amending s. 945.215, F.S.; providing sources of funds and purposes of the Inmate Welfare Trust Fund, the Privately Owned Institutions Inmate Welfare Trust Fund, and the Employee Benefit Trust Fund within the department; providing for annual appropriation of funds deposited in the Inmate Welfare Trust Fund; requiring certain annual reports; amending s. 944.803, F.S., relating to faith-based programs for inmates; revising a reference, to conform; amending s. 945.31, F.S.; providing for deposit of the department's administrative processing fee in the department's Operating Trust Fund; amending s. 945.76, F.S.; revising provisions relating to fees for certification and monitoring of batterers' intervention programs; providing for deposit of such fees in the department's Operating Trust Fund; amending s. 944.10, F.S.; providing for deposit of contractual service and inmate labor fees in the Correctional Work Program Trust Fund; amending s. 948.09, F.S.; providing for deposit of the electronic monitoring surcharge in the department's Operating Trust Fund; amending s. 951.23, F.S.; providing for deposit of fees collected pursuant to local detention facility inspection agreements in the department's Operating Trust Fund; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4711**—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds in the Department of Highway Safety and Motor Vehicles are exempt from the auto-

matic-termination requirements of Section 19(f), Article III of the State Constitution; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4713**—A bill to be entitled An act relating to trust funds; amending s. 932.705, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 895.09 and 932.7055, F.S., relating to duties of various agencies with respect to the deposit of certain moneys, to conform; providing an effective date.

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

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

**HB 4715**—A bill to be entitled An act relating to trust funds; creating s. 20.2553, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Environmental Protection; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 370.021, 370.061, and 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4717**—A bill to be entitled An act relating to trust funds; creating s. 372.107, F.S.; creating the Federal Law Enforcement Trust Fund within the Game and Fresh Water Fish Commission; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending ss. 372.73, 372.9901, 372.9904, and 932.7055, F.S., relating to duties of the commission with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4719**—A bill to be entitled An act relating to trust funds; creating s. 561.027, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Business and Professional Regulation; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending s. 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4721**—A bill to be entitled An act relating to trust funds; creating s. 570.205, F.S.; creating the Federal Law Enforcement Trust Fund

within the Department of Agriculture and Consumer Services; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending s. 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4723**—A bill to be entitled An act relating to trust funds; creating s. 250.175, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Military Affairs; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending s. 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4727**—A bill to be entitled An act relating to trust funds; amending s. 20.435, F.S., relating to trust funds of the Department of Health; creating the Tobacco Settlement Trust Fund within the department; providing sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4729**—A bill to be entitled An act relating to trust funds; creating s. 20.425, F.S.; creating the Tobacco Settlement Trust Fund within the Agency for Health Care Administration; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4731**—A bill to be entitled An act relating to trust funds; creating s. 20.195, F.S.; creating the Tobacco Settlement Trust Fund within the Department of Children and Family Services; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4733**—A bill to be entitled An act relating to trust funds; amending s. 20.435, F.S., relating to trust funds of the Department of Health; creating the Tobacco Pilot Program Trust Fund within the department; providing sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4735**—A bill to be entitled An act relating to trust funds; creating s. 17.41(1)(b) and (2), F.S., relating to tobacco clearing trust funds of the Department of Banking and Finance; creating the Tobacco Settlement Clearing Trust Fund within the department; providing for sources of moneys; providing for exemption from various service charges; providing purposes; providing for investment of such moneys; providing for annual carryforward of funds; proclaiming that the trust fund is exempt from constitutional termination; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4737**—A bill to be entitled An act relating to trust funds; creating s. 17.41(1)(a) and (2), F.S., relating to tobacco clearing trust funds of the Department of Banking and Finance; creating the Tobacco Pilot Program Clearing Trust Fund within the department; providing for sources of moneys; providing for exemption from various service charges; providing purposes; providing for investment of such moneys; providing for annual carryforward of funds; proclaiming that the trust fund is exempt from constitutional termination; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4739**—A bill to be entitled An act relating to trust funds; creating s. 20.1655, F.S.; creating the Tobacco Pilot Program Trust Fund within the Department of Business and Professional Regulation; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

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

**HB 4813**—A bill to be entitled An act relating to trust funds; creating s. 17.43, F.S.; creating the Comptroller's Federal Equitable Sharing Trust Fund within the Department of Banking and Finance; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Ways and Means.

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By Representative Constantine and others—

**HB 4555**—A bill to be entitled An act relating to a special election to be held on September 1, 1998, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution creating Section 19 of Article VII of the State Constitution, which authorizes the issuance of state bonds to finance or refinance state conservation, recreation, and restoration programs and postsecondary education infrastructure; providing for publication of notice and for procedures; providing an effective date.

—was referred to the Committee on Natural Resources.

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By the Committee on Rules, Resolutions, and Ethics; and Representative Thrasher and others—

**HCR 4829**—A concurrent resolution authorizing the creation of an interim task force study for review and improvement of the provisions of Florida's ethics laws.

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

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**RETURNING MESSAGES—FINAL ACTION**

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 6, SB 16 and SB 44.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 23 was corrected and approved.

**CO-SPONSORS**

Senator Casas—CS for SB 1134

**RECESS**

On motion by Senator Rossin, the Senate recessed at 5:23 p.m. to reconvene at 10:00 a.m., Monday, April 27.