



Journal of the Senate

Number 7—Regular Session

Wednesday, March 22, 2000

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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	Diaz-Balart	Klein	Saunders
Bronson	Dyer	Kurth	Scott
Brown-Waite	Forman	Latvala	Sebesta
Burt	Geller	Laurent	Silver
Campbell	Grant	Lee	Sullivan
Carlton	Hargrett	McKay	Thomas
Casas	Holzendorf	Meek	Webster
Clary	Horne	Mitchell	
Cowin	Jones	Rossin	

Excused: Senator Myers

PRAYER

The following prayer was offered by Dr. Ronald H. Clark, Pastor, Living Water Church of Tampa:

Father, you said in the Holy Scriptures:

(Proverbs 24:3-5)

“Any enterprise is built by wise planning, becomes strong through common sense, and profits wonderfully by keeping abreast of the facts. A wise man is mightier than a strong man. Wisdom is mightier than strength.”

Give each public servant an understanding heart, a hearing heart that is inclined to do your will and what is best for this great state. Give each member discernment between good and evil, equity and truth.

With this in mind, as well as the great challenges before this Senate, I ask that you would give each Senator wisdom tempered with common sense as well as a great command of the facts. God, grant reliable communication to this body so as to permit progress in every noble effort. I ask you to give this body favor with you, Lord, as well as the people of Florida.

In the name of the Holy One, Amen.

PLEDGE

Senate Pages Bethany Saputo of Sarasota and Thomas Tessner of Lehigh Acres, 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 Senators Forman and Thomas—

SR 1606—A resolution commending the Freemasons and Keith W. Dean for their contributions to this state.

WHEREAS, Freemasonry began in medieval times and has been organized since the 18th century, and

WHEREAS, Freemasonry was transplanted to the American colonies by English and Irish Masons during the early decades of the 18th century, and, as early as 1734, Benjamin Franklin was the Grand Master of Masons in Pennsylvania, and

WHEREAS, Keith W. Dean currently serves as Grand Master of Masons of Florida and is the leader of tens of thousands of Florida Masons and hundreds of thousands of Masons from across the country and around the world who sojourn in this state, and

WHEREAS, Keith W. Dean has also been recognized for service to his community in several capacities outside of Freemasonry, and

WHEREAS, Keith W. Dean has served the Masonic bodies since he was raised to the degree of Master Mason on August 13, 1971, and

WHEREAS, Keith W. Dean has served his fellow man in various capacities within the Masonic bodies of this state, including presiding over High Twelve Lodge No. 317, Tampa Council No. 8, Tampa Chapter No. 3, and Tampa Ivanhoe Commandry No. 8, Tampa York Rite Bodies, the Tall Cedars of Lebanon, Suncoast Forrest, and the Grand Council of the State of Florida, as well as active membership in the Scottish Rite Bodies, Valley of Tampa, Egypt Temple, A.A.O.N.M.S., and Palma Ceia Chapter No. 243, O.E.S., and

WHEREAS, Keith W. Dean has served his country and this state for 23 years in the United States Air Force, Florida Army National Guard, and Army Reserve, and

WHEREAS, Keith W. Dean has served the Grand Lodge of Florida as District Deputy Grand Master of District 20 before being elected Grand Master, and

WHEREAS, it is fitting and appropriate that the Florida Senate pause in its deliberations to honor the Freemasons and Keith W. Dean for their contributions to this state, NOW, THEREFORE,

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

That the Florida Senate commends the Freemasons of Florida and Keith W. Dean for their contributions to this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Keith W. Dean, Grand Master of Masons of Florida, as a tangible token of the sentiments of the Florida Senate.

—**SR 1606** was introduced, read and adopted by publication.

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Rick Dantzler who was present in the chamber.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Kurth, by two-thirds vote SB 2026 was withdrawn from the committee of reference and further consideration.

On motion by Senator McKay, by two-thirds vote CS for SB 954 was withdrawn from the Committee on Fiscal Policy and referred to the Committee on Fiscal Resource; and CS for CS for SB 714 was withdrawn from the Committee on Fiscal Policy.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator McKay, the rules were waived and the Joint Task Force on State Court Funding/Article V was granted permission to extend time of adjournment until 6:00 p.m., in lieu of 5:00 p.m. as scheduled this day.

MOTIONS

On motion by Senator McKay, the provisions of Rule 7.1 were waived and a deadline of 3:00 p.m. Tuesday, March 28, was set for filing amendments to the General Appropriations bill and the Appropriations implementing bill to be considered Thursday, March 30.

On motion by Senator McKay, a deadline of 5:00 p.m. Tuesday, March 28, was set for filing amendments to Bills on Third Reading to be considered Wednesday, March 29.

BILLS ON THIRD READING

HB 729—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; revising qualifications for membership on the Board of Dentistry; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, HB 729 was passed and certified to the House. The vote on passage was:

Yeas—34

Table with 4 columns: Madam President, Diaz-Balart, Klein, Saunders, Bronson, Dyer, Kurth, Scott, Brown-Waite, Forman, Latvala, Sebesta, Burt, Geller, Laurent, Silver, Campbell, Grant, Lee, Sullivan, Carlton, Hargrett, McKay, Thomas, Casas, Holzendorf, Meek, Webster, Clary, Horne, Mitchell, Cowin, Jones, Rossin

Nays—None

CS for HB 405—A bill to be entitled An act relating to public accountability; amending s. 473.308, F.S.; extending an application deadline for licensure based on certain practice experience; amending s. 473.309, F.S.; revising a practice requirement of partnerships, corporations, and limited liability companies relating to ownership; amending s. 473.322, F.S.; providing restrictions on the use of practice titles, designations, and abbreviations; providing penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, CS for HB 405 was passed and certified to the House. The vote on passage was:

Yeas—34

Table with 4 columns: Madam President, Brown-Waite, Campbell, Casas, Bronson, Burt, Carlton, Clary

Table with 4 columns: Cowin, Holzendorf, Lee, Sebesta, Diaz-Balart, Horne, McKay, Silver, Dyer, Jones, Meek, Sullivan, Forman, Klein, Mitchell, Thomas, Geller, Kurth, Rossin, Webster, Grant, Latvala, Saunders, Hargrett, Laurent, Scott

Nays—None

CS for HB 5—A bill to be entitled An act relating to the Beverage Law; amending ss. 562.11 and 562.111, F.S.; providing an exemption for giving or serving to certain underage students alcoholic beverages that are delivered as part of a required curriculum at an accredited institution; providing an exemption for the possession of alcoholic beverages by underage students in specified circumstances; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Silver, CS for HB 5 as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Table with 4 columns: Madam President, Cowin, Jones, Rossin, Bronson, Diaz-Balart, Klein, Saunders, Brown-Waite, Dyer, Kurth, Scott, Burt, Forman, Latvala, Sebesta, Campbell, Geller, Laurent, Silver, Carlton, Grant, Lee, Sullivan, Casas, Hargrett, McKay, Thomas, Clary, Horne, Mitchell

Nays—1

Webster

HB 17—A bill to be entitled An act relating to building designation; designating the courthouse of the District Court of Appeal for the Third District as the "Thomas H. Barkdull, Jr., District Courthouse"; authorizing the Third District Court of Appeal to erect suitable markers; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz-Balart, HB 17 was passed and certified to the House. The vote on passage was:

Yeas—34

Table with 4 columns: Madam President, Diaz-Balart, Klein, Saunders, Bronson, Dyer, Kurth, Scott, Brown-Waite, Forman, Latvala, Sebesta, Burt, Geller, Laurent, Silver, Campbell, Grant, Lee, Sullivan, Carlton, Hargrett, McKay, Thomas, Casas, Holzendorf, Meek, Webster, Clary, Horne, Mitchell, Cowin, Jones, Rossin

Nays—None

CS for SB 140—A bill to be entitled An act relating to local government code enforcement boards; amending ss. 162.09, 162.10, F.S.; authorizing suits to recover money judgments and costs; amending s. 162.12, F.S.; providing an alternative for posting certain notices; providing an effective date.

—was read the third time by title.

On motions by Senator Geller, CS for SB 140 was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Diaz de la Portilla	Jones	Rossin
Bronson	Diaz-Balart	Klein	Saunders
Brown-Waite	Dyer	Kurth	Scott
Burt	Forman	Latvala	Sebesta
Campbell	Geller	Laurent	Silver
Carlton	Grant	Lee	Sullivan
Casas	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for HB 143—A bill to be entitled An act relating to warehouse receipts; amending s. 671.201, F.S.; revising the definition of warehouse receipt to include electronic notification; providing an effective date.

—was read the third time by title.

On motion by Senator Laurent, **CS for HB 143** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz de la Portilla	Kirkpatrick	Saunders
Bronson	Diaz-Balart	Klein	Scott
Brown-Waite	Dyer	Kurth	Sebesta
Burt	Forman	Latvala	Silver
Campbell	Geller	Laurent	Sullivan
Carlton	Grant	Lee	Thomas
Casas	Hargrett	McKay	Webster
Childers	Holzendorf	Meek	
Clary	Horne	Mitchell	
Cowin	Jones	Rossin	

Nays—None

HB 65—A bill to be entitled An act relating to local governments; amending s. 893.138, F.S.; authorizing local governments to take local administrative action to declare certain buildings and premises to be a public nuisance when the building or premises is used to deal in stolen property; providing for notice of certain property owners with multiple tenants; providing a fine; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 65** was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz de la Portilla	King	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Saunders
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Sebesta
Campbell	Geller	Latvala	Silver
Carlton	Grant	Laurent	Sullivan
Casas	Hargrett	Lee	Webster
Childers	Holzendorf	McKay	
Clary	Horne	Meek	
Cowin	Jones	Mitchell	

Nays—None

CS for CS for CS for SB's 852, 2 and 46—A bill to be entitled An act relating to school safety and security; amending s. 229.57, F.S.; revising criteria for determining a school's performance grade category for specified school years; creating s. 229.8347, F.S.; establishing the Partnership for School Safety and Security; providing responsibilities of the partnership; assigning the partnership to the Department of Education for administrative purposes; providing for membership, meetings, and reimbursement for expenses; providing for the partnership to be

funded through the General Appropriations Act; providing for staff support and technical assistance; requiring that the partnership prepare annual reports; requiring the Department of Education to develop an individualized school safety and environment assessment instrument; requiring that the department expand performance standards for school safety; amending s. 230.23025, F.S.; requiring that safety and security be included as part of the factors reviewed as best financial management practices for school districts; amending s. 230.235, F.S.; requiring each district school board to review its zero-tolerance policy and ensure the inclusion of specific offenses; creating s. 231.0851, F.S.; requiring that school principals report and verify data concerning school safety and discipline; requiring that the State Board of Education adopt a form for such reports; requiring the Department of Education to improve reporting concerning school safety; requiring that the department develop indicators of safe schools; amending s. 232.24521, F.S.; prohibiting the use of a student's attendance record as the basis of an exemption from academic performance requirements; amending s. 232.26, F.S.; requiring that any suspension of a student with disabilities be in accordance with rules of the State Board of Education; creating s. 235.192, F.S.; requiring school districts and community colleges to provide blueprints of educational facilities to certain agencies; requiring that school districts and community colleges provide a revised blueprint following modification of a facility; requiring the Department of Education to assess safety and security initiatives and make certain reports; establishing a pilot program to assess teams that meet the optimal ratios of certain school professionals to students; requiring that the school district evaluate the program and make certain reports; requiring a plan for school transportation safety; amending s. 232.17, F.S.; prohibiting students referred to a child study team from enrolling in a home education program; providing exceptions; providing an appeals process; amending s. 414.125, F.S.; revising criteria for reduction of temporary cash assistance; amending s. 984.03, F.S.; revising the definitions of the terms "habitually truant" and "truancy petition"; amending s. 984.151, F.S.; revising requirements for filing a truancy petition; providing an appropriation; providing an effective date.

—as amended March 21 was read the third time by title.

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

Amendment 1 (540086)—On page 13, line 17 through page 14, line 4, delete those lines and insert:

(1) *Beginning October 1, 2000, each district superintendent shall coordinate with the law enforcement agency having jurisdiction over each educational facility the provision of certain blueprint documents, class schedules, and other documents as may be necessary for crisis contingency planning by the law enforcement agency. These documents shall be provided for each of the educational facilities in the district as defined in s. 235.011(6). After the initial submission of these documents, the district school superintendent shall submit, by October 1 of each year, revised documents from each educational facility for which modifications may have been made during the preceding year.*

(2) *Beginning October 1, 2000, each community college president shall coordinate with the law enforcement agency having jurisdiction over each educational facility the provision of certain blueprint documents, class schedules, and other documents as may be necessary for crisis contingency planning by the law enforcement agency. These documents shall be provided for each of the educational facilities in the district as defined in s. 235.011(6). After the initial submission of these documents, the community college president shall submit, by October 1 of each year, revised documents from each educational facility for which modifications may have been made during the preceding year.*

On motion by Senator Cowin, **CS for CS for CS for SB's 852, 2 and 46** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Madam President	Casas	Dyer	Horne
Bronson	Childers	Forman	Jones
Brown-Waite	Clary	Geller	King
Burt	Cowin	Grant	Kirkpatrick
Campbell	Diaz de la Portilla	Hargrett	Klein
Carlton	Diaz-Balart	Holzendorf	Kurth

Latvala	Meek	Scott	Thomas
Laurent	Mitchell	Sebesta	Webster
Lee	Rossin	Silver	
McKay	Saunders	Sullivan	

Nays—None

CS for SB 1002—A bill to be entitled An act relating to public records and meetings; providing an exemption from public records and meetings requirements for portions of the blueprints of an educational facility; providing for future legislative review and repeal; providing for rule-making authority; providing for persons who have a bona-fide need to know such information; providing a finding of public necessity; providing a contingent effective date.

—as amended March 21 was read the third time by title.

Senators Cowin and Dyer offered the following amendment which was moved by Senator Cowin and adopted by two-thirds vote:

Amendment 1 (570452)—On page 1, lines 18 and 19; and on page 3, lines 8 and 9, delete: *the Department of Education, or the State Board of Education*

On motion by Senator Cowin, **CS for SB 1002** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz de la Portilla	King	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Saunders
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Sebesta
Campbell	Geller	Latvala	Silver
Carlton	Grant	Laurent	Sullivan
Casas	Hargrett	Lee	Thomas
Childers	Holzendorf	McKay	Webster
Clary	Horne	Meek	
Cowin	Jones	Mitchell	

Nays—None

SB 990—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; requiring certain reports; amending s. 232.24521, F.S.; encouraging certain grading practices; requiring a grade-point-average calculation for the Bright Futures Scholarship Program; prohibiting certain exemption; amending s. 232.2463, F.S.; authorizing school districts to abandon certain high school grading practices; providing definitions; repealing s. 240.1163(4), F.S., relating to weighting of grades in dual enrollment and advanced placement courses; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Cowin, **SB 990** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Horne	Meek
Bronson	Diaz de la Portilla	Jones	Saunders
Brown-Waite	Diaz-Balart	King	Scott
Burt	Dyer	Kirkpatrick	Sebesta
Campbell	Forman	Klein	Silver
Carlton	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Hargrett	Lee	Webster
Clary	Holzendorf	McKay	

Nays—3

Kurth	Mitchell	Rossin
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SB 92—A bill to be entitled An act relating to education; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; deleting intent language regarding providing a mechanism for all students to participate in interscholastic extracurricular activities; revising provisions relating to the grade point average required for participation in interscholastic extracurricular student activities; requiring a contract to be executed upon a student's falling below a certain cumulative grade point average; amending s. 232.61, F.S., relating to bylaws relating to student eligibility adopted by the governing organization for athletics; providing an effective date.

—as amended March 21 was read the third time by title.

On motions by Senator Sullivan, **SB 92** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Rossin
Bronson	Diaz de la Portilla	King	Saunders
Brown-Waite	Diaz-Balart	Klein	Scott
Burt	Dyer	Kurth	Sebesta
Campbell	Forman	Latvala	Silver
Carlton	Geller	Laurent	Sullivan
Casas	Grant	Lee	Thomas
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

SB 130—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; providing for the transfer of Florida Prepaid College Program benefits to certain applied technology diploma programs and vocational certificate programs; requiring the direct-support organization to operate under written contract with the board; providing contract requirements; requiring an annual financial and compliance audit; allowing the Florida Prepaid College Board to permit direct-support organizations established under this section to use the property, facilities, and personal services of the board; providing for such direct-support organizations to invest funds with the moneys invested under the Florida Prepaid College Trust Fund; amending s. 240.553(20), F.S.; modifying the type of legal counsel required prior to implementing the program; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Lee, **SB 130** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Rossin
Bronson	Diaz de la Portilla	King	Saunders
Brown-Waite	Diaz-Balart	Klein	Scott
Burt	Dyer	Kurth	Sebesta
Campbell	Forman	Latvala	Silver
Carlton	Geller	Laurent	Sullivan
Casas	Grant	Lee	Thomas
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

SB 1264—A bill to be entitled An act providing for a study on children with developmental delays; providing purposes; providing for a commission and its membership, officers, and meetings; providing for the administration of the study and for staff and expenses; prescribing the components of the study; authorizing the employment of expert consultants; providing for advisory workgroups; requiring reports to the Legislature; providing an appropriation; providing for expiration of the act; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator McKay, **SB 1264** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	Jones	Rossin
Bronson	Diaz de la Portilla	King	Saunders
Brown-Waite	Diaz-Balart	Klein	Scott
Burt	Dyer	Kurth	Sebesta
Campbell	Forman	Latvala	Silver
Carlton	Geller	Laurent	Sullivan
Casas	Grant	Lee	Thomas
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

SB 842—A bill to be entitled An act relating to grade forgiveness policies; amending s. 232.246, F.S.; revising requirements for district grade forgiveness policies; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **SB 842** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

SB 836—A bill to be entitled An act relating to public records; creating s. 240.554, F.S.; providing an exemption from public records requirements for account information associated with the Florida College Savings Program; authorizing the release of such information to community colleges, colleges, and universities under certain circumstances; requiring that such institutions maintain the confidentiality of the information; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Horne, **SB 836** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

CS for SB 358—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 394.455, F.S.; redefining

the term "mental illness" for purposes of part I of ch. 394, F.S.; amending s. 394.492, F.S.; redefining the term "child or adolescent who is experiencing an acute mental or emotional crisis" for purposes of part III of ch. 394, F.S.; amending s. 394.493, F.S.; revising the income standard that is the basis for a sliding fee scale adopted by the Department of Children and Family Services for mental health services provided to children and adolescents; amending s. 394.65, F.S.; redesignating part IV of ch. 394, F.S., as "The Community Substance Abuse and Mental Health Services Act"; amending s. 394.66, F.S.; providing legislative intent with respect to substance abuse and mental health services; amending s. 394.67, F.S.; providing additional definitions; creating s. 394.674, F.S.; providing criteria for clinical eligibility and fee-collection requirements for substance abuse and mental health services funded by the Department of Children and Family Services; providing requirements for the department in the provision of crisis services, substance abuse services, and mental health services; specifying requirements for counties in spending certain funds for local substance abuse and mental health services; authorizing the use of funds for activities to prevent substance abuse; requiring that the Department of Children and Family Services adopt rules; requiring the department to establish a sliding fee scale for clients who receive substance abuse and mental health services; amending s. 394.675, F.S.; revising the types of services provided by the department under the substance abuse and mental health service system; creating s. 394.676, F.S., relating to the Indigent Psychiatric Medication Program; requiring the department to adopt rules; amending s. 394.74, F.S., relating to contracts for substance abuse and mental health programs; conforming provisions to changes made by the act; amending s. 394.75, F.S.; requiring district health and human services boards rather than planning councils to prepare substance abuse and mental health plans; providing requirements for the plans; revising the population groups to be addressed in the plans to conform to changes made by the act; amending ss. 394.76, 394.77, 394.78, 394.79, 394.908, F.S., relating to the financing of district programs and services, uniform information and reporting systems, procedures for audits and dispute resolution, and distribution of appropriations; conforming provisions to changes made by the act; requiring the Department of Children and Family Services to submit a master plan to the Legislature for implementing a publicly funded, community-based system of care for mental health and substance abuse services; providing requirements for the master plan; requiring the department to submit a report to the Legislature which describes the compliance of providers with performance outcome standards; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz-Balart, **CS for SB 358** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

CS for SB 682—A bill to be entitled An act relating to mental health services for children and adolescents; amending s. 39.407, F.S.; revising provisions governing the medical, psychiatric, and psychological examination and treatment of children; prescribing procedures for the admission of children or adolescents to residential treatment centers for residential mental health treatment; amending s. 394.4785, F.S.; prohibiting children and adolescents from admission to state mental health treatment facilities; requiring residential treatment centers for children and adolescents to adhere to certain standards; amending s. 394.67, F.S.; defining the term "residential treatment center for children and adolescents"; amending s. 394.875, F.S.; requiring the licensure of residential treatment centers for children and adolescents; requiring the Department of Children and Family Services to adopt rules; amending s. 409.175, F.S.; specifying that residential child-caring agencies do not

include residential treatment centers for children and adolescents; providing an effective date.

—as amended March 21 was read the third time by title.

On motion by Senator Forman, **CS for SB 682** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Latvala	Silver
Casas	Grant	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **SB 892** was deferred.

On motion by Senator Cowin—

SB 748—A bill to be entitled An act relating to education; providing an intent to demonstrate benefits of a program to prepare new teachers and to provide certain professional development activities to support them; providing for recruitment of persons to participate in a fellowship program by means of forgivable loans; providing standards and conditions for eligibility for the program; assigning responsibility for recruitment; requiring regional review committees; providing for selection of certain postsecondary education institutions to participate in the program; providing standards and conditions for receipt and forgiveness of a loan; providing conditions for repayment of loans not eligible for loan forgiveness; authorizing conditions for deferment of repayment; providing for a revolving fund; establishing a professional development program for recipients of a fellowship and other college graduates; providing standards for recruitment of participating teachers, school districts, and postgraduate programs; requiring certain conditions of employment of participants; establishing tiers of sequential professional development activities; creating a not-for-profit organization to be administratively assigned to the Executive Office of the Governor; providing for appointment of members of its board of directors; authorizing the employment of staff; providing its duties and responsibilities; providing for cooperation with an office of the Department of Education; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Cowin and adopted:

Amendment 1 (093170)(with title amendment)—On page 13, between lines 23 and 24, insert:

Section 6. *This act will be implemented to the extent funded in the General Appropriations Act.*

(Redesignate subsequent section.)

And the title is amended as follows:

On page 2, line 4, after the semicolon (;) insert: providing implementation to the extent funded in the General Appropriations Act;

Pursuant to Rule 4.19, **SB 748** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 50** was deferred.

On motion by Senator Cowin—

CS for SB 850—A bill to be entitled An act relating to instructional materials; amending s. 230.23, F.S.; prescribing duty of school boards to provide instructional materials; amending s. 233.09, F.S.; amending existing notice requirements and eliminating the requirements for providing weighted and unweighted aggregations; amending s. 233.16, F.S.; changing the reference from the Department of Education to the Commissioner of Education with respect to certain duties in selecting and adopting instructional materials; eliminating a condition for rejecting bids; amending s. 233.17, F.S.; changing the term of adoption for instructional materials; eliminating the optional escalator clause in certain contracts; amending s. 233.22, F.S.; requiring the superintendent of a school district to requisition certain materials; allowing the superintendent of a school district to requisition certain materials; amending s. 233.25, F.S.; requiring publishers and manufacturers to retain instructional materials in a depository for a specified period of time and to ensure the availability of materials; authorizing the Commissioner of Education to accept certain submissions under certain circumstances; amending s. 233.34, F.S.; requiring school districts to purchase instructional materials in core courses of subject areas within a specified time; providing exceptions; allowing school districts to make certain purchases when authorized in the General Appropriations Act; changing dates for authorized purchase orders; amending s. 233.37, F.S.; providing for the disposal of unserviceable instructional materials and those no longer on state contract; eliminating contracts between the Department of Education and recycling firms; authorizing the district school board to prescribe policies for destroying instructional materials; requiring that certain moneys be deposited in the district school fund and added to the district appropriation for instructional materials; repealing s. 233.38, F.S., relating to the exchange of textbooks by school districts; amending s. 233.43, F.S.; requiring district school board policies to include the superintendent's responsibilities for keeping records pursuant to s. 233.46(4), F.S.; establishing notification requirements for superintendents; requiring reports; amending s. 233.46, F.S.; adding a responsibility for principals; requiring policies by district school boards related to lost or damaged books; requiring a report by the Department of Education; requiring that the Executive Office of the Governor and the Secretary of State renegotiate existing contracts for certain instructional materials; amending s. 230.23025, F.S.; requiring that administrative and instructional technology be included in the review of best financial management practices; amending s. 233.07, F.S.; providing for more members on the state committees; providing for geographical representation; creating s. 233.66, F.S.; authorizing the Commissioner of Education to take certain actions; creating additional responsibilities for publishers; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendment which was adopted:

Amendment 1 (112168)(with title amendment)—On page 11, lines 30 and 31, delete those lines

And the title is amended as follows:

On page 2, line 1, delete "providing exceptions"

Pursuant to Rule 4.19, **CS for SB 850** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 288—A bill to be entitled An act relating to grandparents' visitation rights; creating s. 752.011, F.S.; providing for court-ordered grandparent visitation under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing in which the determination of demonstrable significant mental or emotional harm to the minor will be made; providing criteria for such a determination; providing for attorney's fees and costs; applying the Uniform Child Custody Jurisdiction Act; repealing s. 752.01, F.S., relating to grandparental visitation; amending s. 61.13, F.S., to conform to the act; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; providing an effective date.

—was read the second time by title.

Senator Carlton moved the following amendment which was adopted:

Amendment 1 (110780)—On page 2, lines 10 and 11, delete those lines and insert: 742.091;

(e) *The minor is living with both natural parents who are still married to each other, whether or not there is a broken relationship between either or both parents of the minor and the grandparents, and either or both parents have used their parental authority to prohibit a relationship between the minor and the grandparents; or*

(f) *A deceased parent of the minor has made a written*

Senator Campbell moved the following amendments which were adopted:

Amendment 2 (084718)—On page 2, line 22, delete “may” and insert: *shall*

Amendment 3 (804370)—On page 3, delete line 9 and insert:

(a) *There is clear and convincing evidence that the minor is suffering or is threatened with*

Senator Carlton moved the following amendment which was adopted:

Amendment 4 (892736)(with title amendment)—On page 11, between lines 19 and 20, insert:

Section 6. Subsections (47) and (51) of section 39.01, Florida Statutes, are amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(47) “Next of kin” means an adult relative of a child who is the child’s brother, sister, grandparent, *great-grandparent*, aunt, uncle, or first cousin.

(51) “Participant,” for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding, means any person who is not a party but who should receive notice of hearings involving the child, including foster parents or the legal custodian of the child, identified prospective parents, grandparents *or great-grandparents* entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child, and any other person whose participation may be in the best interest of the child. A community-based agency under contract with the department to provide protective services may be designated as a participant at the discretion of the court. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

Section 7. Section 39.509, Florida Statutes, is amended to read:

39.509 Grandparents *and great-grandparents* rights.—Notwithstanding any other provision of law, a maternal or paternal grandparent *or great-grandparent* as well as a stepgrandparent *or step-great-grandparent* is entitled to reasonable visitation with his or her grandchild *or great-grandchild* who has been adjudicated a dependent child and taken from the physical custody of the parent unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of the case plan. Reasonable visitation may be unsupervised and, where appropriate and feasible, may be frequent and continuing.

(1) Grandparent *or great-grandparent* visitation may take place in the home of the grandparent *or great-grandparent* unless there is a compelling reason for denying such a visitation. The department’s caseworker shall arrange the visitation to which a grandparent *or great-grandparent* is entitled pursuant to this section. The state shall not charge a fee for any costs associated with arranging the visitation. However, the grandparent *or great-grandparent* shall pay for the child’s cost of transportation when the visitation is to take place in the grandparent’s *or great-grandparent’s* home. The caseworker shall document the reasons for any decision to restrict a grandparent’s *or great-grandparent’s* visitation.

(2) A grandparent *or great-grandparent* entitled to visitation pursuant to this section shall not be restricted from appropriate displays of affection to the child, such as appropriately hugging or kissing his or her grandchild *or great-grandchild*. Gifts, cards, and letters from the grandparent *or great-grandparent* and other family members shall not be denied to a child who has been adjudicated a dependent child.

(3) Any attempt by a grandparent *or great-grandparent* to facilitate a meeting between the child who has been adjudicated a dependent child and the child’s parent or legal custodian, or any other person in violation of a court order shall automatically terminate future visitation rights of the grandparent *or great-grandparent*.

(4) When the child has been returned to the physical custody of his or her parent, the visitation rights granted pursuant to this section shall terminate.

(5) The termination of parental rights does not affect the rights of grandparents *or great-grandparents* unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of permanency planning for the child.

(6) In determining whether grandparental *or great-grandparental* visitation is not in the child’s best interest, consideration may be given to the finding of guilt, regardless of adjudication, or entry or plea of guilty or nolo contendere to charges under the following statutes, or similar statutes of other jurisdictions: s. 787.04, relating to removing minors from the state or concealing minors contrary to court order; s. 794.011, relating to sexual battery; s. 798.02, relating to lewd and lascivious behavior; chapter 800, relating to lewdness and indecent exposure; or chapter 827, relating to the abuse of children. Consideration may also be given to a report of abuse, abandonment, or neglect under ss. 415.101-415.113 or this chapter and the outcome of the investigation concerning such report.

Section 8. Paragraph (a) of subsection (3) of section 39.801, Florida Statutes, is amended to read:

39.801 Procedures and jurisdiction; notice; service of process.—

(3) Before the court may terminate parental rights, in addition to the other requirements set forth in this part, the following requirements must be met:

(a) Notice of the date, time, and place of the advisory hearing for the petition to terminate parental rights and a copy of the petition must be personally served upon the following persons, specifically notifying them that a petition has been filed:

1. The parents of the child.
2. The legal custodians of the child.
3. If the parents who would be entitled to notice are dead or unknown, a living relative of the child, unless upon diligent search and inquiry no such relative can be found.
4. Any person who has physical custody of the child.
5. Any grandparent *or great-grandparent* entitled to priority for adoption under s. 63.0425.
6. Any prospective parent who has been identified under s. 39.503 or s. 39.803.
7. The guardian ad litem for the child or the representative of the guardian ad litem program, if the program has been appointed.

The document containing the notice to respond or appear must contain, in type at least as large as the type in the balance of the document, the following or substantially similar language: “FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS NOTICE.”

Section 9. Paragraph (b) of subsection (2), paragraphs (c) and (d) of subsection (4) and subsections (6) and (7) of section 61.13, Florida Statutes, are amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. 39.806(1)(d), creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities that the court finds unique to a particular family.

b. The court shall order "sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of" the minor child.

c. The court may award the grandparents *and great-grandparents* visitation rights with a minor child if it is in the child's best interest. Grandparents *and great-grandparents* have legal standing to seek judicial enforcement of such an award. This section does not require that grandparents *or great-grandparents* be made parties or given notice of dissolution pleadings or proceedings, nor do grandparents *or great-grandparents* have legal standing as "contestants" as defined in s. 61.1306. A court may not order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents *or great-grandparents*.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to a parent because the parent is not the child's primary residential parent.

(4)

(c) When a custodial parent refuses to honor a noncustodial parent's, ~~or grandparent's~~, *or great-grandparent's* visitation rights without proper cause, the court shall, after calculating the amount of visitation improperly denied, award the noncustodial parent, ~~or grandparent~~, *or great-grandparent* a sufficient amount of extra visitation to compensate the noncustodial parent, ~~or grandparent~~, *or great-grandparent* which visitation shall be ordered as expeditiously as possible in a manner consistent with the best interests of the child and scheduled in a manner that is convenient for the person deprived of visitation. In ordering any make-up visitation, the court shall schedule such visitation in a manner that is consistent with the best interests of the child or children and that is convenient for the noncustodial parent, ~~or grandparent~~, *or great-grandparent*. In addition, the court:

1. May order the custodial parent to pay reasonable court costs and attorney's fees incurred by the noncustodial parent or grandparent to enforce their visitation rights or make up improperly denied visitation;

2. May order the custodial parent to attend the parenting course approved by the judicial circuit;

3. May order the custodial parent to do community service if the order will not interfere with the welfare of the child;

4. May order the custodial parent to have the financial burden of promoting frequent and continuing contact when the custodial parent and child reside further than 60 miles from the noncustodial parent;

5. May award custody, rotating custody, or primary residence to the noncustodial parent, upon the request of the noncustodial parent, if the award is in the best interests of the child; or

6. May impose any other reasonable sanction as a result of noncompliance.

(d) A person who violates this subsection may be punished by contempt of court or other remedies as the court deems appropriate.

(6) In any proceeding under this section, the court may not deny shared parental responsibility, custody, or visitation rights to a parent, ~~or grandparent~~, *or great-grandparent* solely because that parent, ~~or grandparent~~, *or great-grandparent* is or is believed to be infected with human immunodeficiency virus; but the court may condition such rights upon the parent's, ~~or grandparent's~~, *or great-grandparent's* agreement to observe measures approved by the Centers for Disease Control and Prevention of the United States Public Health Service or by the Department of Health for preventing the spread of human immunodeficiency virus to the child.

(7) In any case where the child is actually residing with a grandparent *or great-grandparent* in a stable relationship, whether the court has awarded custody to the grandparent *or great-grandparent* ~~or not~~, the court may recognize the grandparents *or great-grandparents* as having the same standing as parents for evaluating what custody arrangements are in the best interest of the child.

Section 10. Subsection (1) of section 63.0425, Florida Statutes, is amended to read:

63.0425 Grandparent's *or great-grandparent's* right to adopt.—

(1) When a child who has lived with a grandparent *or great-grandparent* for at least 6 months is placed for adoption, the agency or intermediary handling the adoption shall notify that grandparent *or great-grandparent* of the impending adoption before the petition for adoption is filed. If the grandparent *or great-grandparent* petitions the court to adopt the child, the court shall give first priority for adoption to that grandparent *or great-grandparent*.

Section 11. Subsection (2) of section 63.172, Florida Statutes, is amended to read:

63.172 Effect of judgment of adoption.—

(2) If one or both parents of a child die without the relationship of parent and child having been previously terminated and a spouse of the living parent or a close relative of the child thereafter adopts the child, the child's right of inheritance from or through the deceased parent is unaffected by the adoption and, unless the court orders otherwise, the adoption will not terminate any grandparental *or great-grandparental* rights delineated under chapter 752. For purposes of this subsection, a close relative of a child is the child's brother, sister, grandparent, *great-grandparent*, aunt, or uncle.

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered grandparent visitation under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm

without visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing in which the determination of demonstrable significant mental or emotional harm to the minor will be made; providing criteria for such a determination; providing for attorney's fees and costs; applying the Uniform Child Custody Jurisdiction Act; repealing s. 752.01, F.S., relating to grandparental visitation; amending s. 61.13, F.S., to conform to the act; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents visitation rights; amending ss. 39.801 and 63.0425, F.S.; providing for a great-grandparent's right to adopt; amending s. 61.13, F.S.; providing for great-grandparents visitation rights and standing with regard to evaluating custody arrangements; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 288** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for SB 708—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 90.5036, F.S.; redefining the terms “domestic violence center” and “domestic violence advocate”; specifying the persons to whom confidential communication provisions apply; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; providing legislative intent that ex parte temporary injunctions protect a victim as long as he or she is in danger; requesting the Supreme Court to adopt rules to require extensions of temporary injunctions; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; requiring the Batterers' Intervention Program to provide notification of discharge; providing that respondents must complete the Batterers' Intervention Program if ordered; providing for the court not to modify or dissolve an injunction unless failure to complete the Batterers' Intervention Program is justified; requiring recording of proceedings; directing the Office of State Court Administrator to examine and develop recommendations concerning certain court practices; providing for a report to the Governor and Legislature; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (783874)(with title amendment)—On page 17, lines 17-19, delete those lines and insert:

(h) All proceedings under this subsection are to be recorded, if the court chooses to provide for the recording and has adequate existing court resources for any associated costs. Recording may be by electronic means, as provided by the Rules of Judicial Administration. If the means to record the proceedings are not available, the parties must be notified, prior to the full hearing.

And the title is amended as follows:

On page 1, line 29, delete “requiring” and insert: providing for

Pursuant to Rule 4.19, **CS for SB 708** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King, by two-thirds vote **CS for HB 313** was withdrawn from the Committee on Banking and Insurance.

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

CS for HB 313—A bill to be entitled An act relating to payment of insurance claims; amending s. 627.4035, F.S.; authorizing payment of certain claims by debit card or other form of electronic transfer under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 892** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 313** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

SB 1220—A bill to be entitled An act relating to homelessness; creating the Commission on the Homeless within the Executive Office of the Governor; providing for membership of the commission; requiring the commission to review the problems of the homeless and propose solutions for reducing homelessness; requiring the commission to hold a specified number of public meetings; providing requirements for a written report by the commission; providing for commission members to be reimbursed for travel and per diem expenses; authorizing the commission to employ an executive director; abolishing the commission after a specified date; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator McKay and adopted:

Amendment 1 (132290)—On page 3, between lines 8 and 9, insert:

(m) Review the problems and propose solutions for relieving homelessness among veterans.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator McKay and adopted:

Amendment 2 (322720)—On page 3, line 31, delete “\$250,000 and insert: \$100,000

Senator McKay moved the following amendments which were adopted:

Amendment 3 (924618)—On page 1, line 23, delete “23” and insert: 24

Amendment 4 (051788)—On page 1, line 28, after “Community Affairs,” insert: *the Executive Director of the Department of Veterans Affairs,*

Amendment 5 (262240)—On page 2, line 3, delete “14” and insert: 30

Amendment 6 (070938)—On page 2, line 5, delete “30” and insert: 45

Senator Rossin moved the following amendment which was adopted:

Amendment 7 (043368)—On page 3, line 16, after the period (.) insert: *The recommendations of the task force must include proposed legislation.*

Pursuant to Rule 4.19, **SB 1220** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 212—A bill to be entitled An act relating to health care assistance; amending s. 216.136, F.S.; requiring the Social Services Estimating Conference to develop certain information relating to the Florida Kidcare program; amending s. 409.8132, F.S.; revising eligibility requirements for the Medikids program component of the Florida Kidcare program; removing the applicability of the Medicaid third-party liability requirements to the Medikids program; revising enrollment procedures; allowing mandatory assignment; amending s. 409.8134, F.S.; requiring agencies that administer Florida Kidcare components to collect certain information and report to the Social Services Estimating Conference; amending s. 409.814, F.S.; providing for Medicaid-presumptive eligibility; providing for expedited enrollment; revising eligibility for certain children for services under the Children's Medical Services network; allowing premium assistance for certain children ineligible for federal

funding; extending the period of continuous eligibility for the Florida Kidcare program; amending s. 409.815, F.S.; providing for dental benefits under the Florida Kidcare program; amending s. 409.8177, F.S.; requiring the Agency for Health Care Administration to submit additional monthly reports to the Governor and Legislature; revising evaluation requirements; amending s. 409.818, F.S.; extending the period of continuous eligibility for the Florida Kidcare program; requiring simplified eligibility redetermination; amending s. 409.903, F.S.; providing for presumptive eligibility for children eligible for Medicaid; amending s. 409.904, F.S.; revising the eligibility requirements for optional payments for medical assistance and related services for certain children; authorizing optional payments for certain pregnant women; providing for presumptive eligibility; requiring the Division of State Group Insurance of the Department of Management Services to develop a program to subsidize health insurance coverage for children of certain state employees; providing applicability of the act to certain contracts; providing an effective date.

—was read the second time by title.

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

Amendment 1 (934172)(with title amendment)—On page 17, between lines 12 and 13, insert the following new section and redesignate subsequent section:

Section 12. *Implementation of any specific provision of this act is contingent upon a specific appropriation for that provision in the General Appropriations Act.*

(Redesignate subsequent section.)

And the title is amended as follows:

On page 2, delete line 18 and insert: making implementation of bill provisions contingent on specific appropriations; providing an effective date.

Senator Clary moved the following amendment which was adopted:

Amendment 2 (865686)—On page 16, line 23 through page 17, line 7, delete those lines and insert:

Section 10. *The Division of State Group Insurance of the Department of Management Services and the Florida Healthy Kids Corporation shall study the feasibility of providing a subsidy comparable to the subsidy available through the Florida Healthy Kids Corporation for health insurance coverage through the state employee health insurance program for children of state employees who meet the eligibility requirements for the Florida Healthy Kids program. The Division of State Group Insurance and the Florida Healthy Kids Corporation shall submit a report by January 1, 2001, to the Governor, the President of the Senate, and the Speaker of the House of Representatives with their recommendations as to whether such a subsidy should be provided through the state employee health insurance program and how a subsidy could be administered.*

Pursuant to Rule 4.19, **CS for SB 212** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HCR 657** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Rossin—

HCR 657—A concurrent resolution confirming the appointment of William Oliver Monroe to the position of Auditor General.

WHEREAS, Article III, section 2 of the State Constitution provides that the Legislature shall appoint an auditor to serve at its pleasure, and

WHEREAS, by enactment of chapter 69-82, Laws of Florida, the Legislature exercised that appointment by designating the Auditor General chosen pursuant to section 11.42, Florida Statutes, as the constitutional auditor required under Article III, section 2 of the State Constitution, and

WHEREAS, the Joint Legislative Auditing Committee appointed William Oliver Monroe to the position of Auditor General on December 7, 1999, and

WHEREAS, section 11.42, Florida Statutes, provides that the appointment of the Auditor General must be confirmed by the Senate and the House of Representatives, NOW, THEREFORE,

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

That the appointment of William Oliver Monroe to the position of Auditor General by the Joint Legislative Auditing Committee under section 11.42, Florida Statutes, is confirmed.

—a companion measure, was substituted for **SCR 918** and read the second time in full. On motion by Senator Rossin, **HCR 657** was adopted and certified to the House. The vote on adoption was:

Yeas—37

Madam President	Dawson	Jones	Saunders
Bronson	Diaz de la Portilla	King	Scott
Brown-Waite	Diaz-Balart	Klein	Sebesta
Burt	Dyer	Latvala	Silver
Campbell	Forman	Laurent	Sullivan
Carlton	Geller	Lee	Thomas
Casas	Grant	McKay	Webster
Childers	Hargrett	Meek	
Clary	Holzendorf	Mitchell	
Cowin	Horne	Rossin	

Nays—None

SCR 1168—A concurrent resolution reconfirming the appointment of John W. Turcotte as Director of the Office of Program Policy Analysis and Government Accountability.

WHEREAS, The Joint Legislative Auditing Committee appointed John W. Turcotte as Director of the Office of Program Policy Analysis and Government Accountability on October 30, 1995, and

WHEREAS, Joint Rule 4.1(6) of the Florida Legislature requires the Joint Legislative Auditing Committee to review the performance of the Director of the Office of Program Policy Analysis and Government Accountability every 4 years and report as to whether he or she should continue to serve as director, and

WHEREAS, the Joint Legislative Auditing Committee recommends to the Legislature that John W. Turcotte continue to serve in office as Director of the Office of Program Policy Analysis and Government Accountability, NOW, THEREFORE,

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

That the appointment of John W. Turcotte as Director of the Office of Program Policy Analysis and Government Accountability by the Joint Legislative Auditing Committee under Joint Rule 4.1(6) of the Florida Legislature is reconfirmed.

—was read the second time in full. On motion by Senator Rossin, **SCR 1168** was adopted and certified to the House. The vote on adoption was:

Yeas—38

Madam President	Dawson	Jones	Rossin
Bronson	Diaz de la Portilla	King	Saunders
Brown-Waite	Diaz-Balart	Klein	Scott
Burt	Dyer	Kurth	Sebesta
Campbell	Forman	Latvala	Silver
Carlton	Geller	Laurent	Sullivan
Casas	Grant	Lee	Thomas
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

On motion by Senator McKay—

CS for SB 1222—A bill to be entitled An act creating the Task Force on the Availability and Affordability of Long-term Care; providing for membership and duties; providing for staff and expenses; requiring a report; providing for the expiration of the task force; providing an appropriation; providing an effective date.

—was read the second time by title.

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

Amendment 1 (661946)—On page 1, between lines 26 and 27, insert:

(c) The role of family members in caring for elderly relatives and ways in which quality family care can be encouraged.

(Redesignate subsequent subsections.)

Senator McKay moved the following amendment which was adopted:

Amendment 2 (085028)—On page 2, line 10, after “homes” insert: *and long-term care facilities*

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 3 (353516)—On page 3, line 1, delete “11” and insert: *15*

Amendment 4 (454324)—On page 3, between lines 29 and 30, insert:

(l) A member of a Florida chapter of the American Association of Retired Persons who has experience administering a long-term care facility, appointed by the Governor in consultation with the President of the Senate and the Speaker of the House of Representatives.

(m) An individual who has experience with periodic review of nursing homes and other long-term care facilities, appointed by the Attorney General.

(n) A representative of the Florida Health Care Association, appointed by the association.

(o) A local volunteer long-term care ombudsman with at least two years of experience in assisting residents of nursing homes and assisted living facilities, appointed by the State Long-term Care Ombudsman.

Senator McKay moved the following amendments which were adopted:

Amendment 5 (602428)—On page 4, line 14, delete “2 weeks” and insert: *30 days*

Amendment 6 (683644)—On page 4, lines 15 and 16, delete “1 month” and insert: *45 days*

Senator Rossin moved the following amendment which was adopted:

Amendment 7 (353504)—On page 4, line 19, after the period (.) insert: *The recommendations of the task force must include proposed legislation.*

Pursuant to Rule 4.19, **CS for SB 1222** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SB 758—A bill to be entitled An act relating to growth management; creating the Grow Smart Florida Study Commission; providing for commission membership and purpose; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 758** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 372—A bill to be entitled An act relating to investment of public funds; amending s. 112.625, F.S.; revising and providing definitions under the Florida Protection of Public Employee Retirement Benefits Act; creating s. 112.661, F.S.; requiring that investment of the assets of any local retirement system or plan be consistent with a written investment policy; specifying requirements for such policies with respect to scope, investment objectives, performance measurement, investment standards, maturity and liquidity requirements, portfolio composition, risk and diversification, rate of return, third-party custodial agreements, master repurchase agreements, bid requirements, internal controls, continuing education requirements, reporting and filing requirements, and valuation of illiquid investments; requiring that such policies list authorized investments and prohibiting investments not so listed; amending s. 218.415, F.S.; revising requirements relating to local governments’ investment policies; revising the funds to which written investment policies apply and revising requirements relating to bids, internal controls, and reporting; specifying authorized investments for those local governments that adopt a written investment policy; prohibiting investments not listed in such policy; requiring continuing education for officials responsible for investment decisions; revising the list of authorized investments for those local governments that do not adopt a written investment policy; providing requirements with respect to the disposition and sale of securities, and funds subject to preexisting contracts; providing for preemption of conflicting laws; providing that audits of local governments shall report on compliance with said section; providing powers and duties of the Joint Legislative Auditing Committee, the Department of Revenue, the Department of Banking and Finance, and the Department of Community Affairs to enforce compliance; amending s. 11.45, F.S.; revising authority of the Department of Revenue and the Department of Banking and Finance to follow up on entities that fail to submit required audits; amending s. 218.32, F.S.; revising authority of the Department of Banking and Finance to follow up on entities that fail to file annual financial reports; amending s. 218.38, F.S.; revising authority of the Department of Revenue and the Department of Banking and Finance to follow up on entities that fail to verify or file certain information; amending ss. 28.33 and 219.075, F.S.; providing for application of s. 218.415, F.S., to investment of county funds by clerks of the circuit courts and investment of surplus funds by county officers; amending s. 159.416, F.S.; providing for application of s. 218.415, F.S., to investments made in connection with a pool financing program under the Florida Industrial Development Financing Act; amending s. 236.24, F.S.; deleting provisions that specify requirements with respect to investment of surplus funds by school boards; amending s. 236.49, F.S.; providing for application of s. 218.415(16), F.S., to investment of surplus funds derived from school district bond issues; amending s. 237.211, F.S.; correcting a reference; repealing ss. 125.31, 166.261, and 218.345, F.S., which specify requirements with respect to investment of surplus funds by counties, municipalities, and special districts, s. 230.23(10)(k), F.S., which provides requirements with respect to adoption of investment policies by school boards, and s. 237.161(5), F.S., which authorizes school boards to invest surplus assets as obligations for a period of 1 year; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1 (464800)—On page 15, delete line 13 and insert: *ordinance for a county or a municipality.*

(h) Other investments authorized by law or by resolution for a school district or a special district.

Amendment 2 (324526)—On page 17, lines 6-24, delete those lines and insert: *placed for safekeeping in a secured vault.*

(b) The unit of local government’s governing body may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held, together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the Federal Government, this state, or any other

state or territory of the United States which has a branch or principal place of business in this state as defined in s. 658.12, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in this state.

(19) *SALE OF SECURITIES.*—When the invested funds are needed in whole or in part for the purposes originally intended or for more optimal investments, the unit of local government's governing body may

Amendment 3 (343662)—On page 18, lines 12-14, delete those lines and insert: *government, the Auditor General shall contact those units of local government not in compliance with this section and request evidence of corrective action. If the unit of local government does not provide the Auditor General with evidence of corrective action within 45 days after the date it is requested, the Auditor General shall then notify the Joint Legislative Auditing Committee of any unit of local government not in compliance with this section. Following notification of*

Pursuant to Rule 4.19, **CS for SB 372** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

SB 8—A bill to be entitled An act relating to St. Johns County; providing for the relief of William D. Mock and Susan G. Mock; providing for an appropriation to compensate them for injuries sustained as a result of the negligence of St. Johns County; providing an effective date.

—was read the second time by title.

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

On motion by Senator Casas—

CS for SB 10—A bill to be entitled An act for the relief of Elizabeth Schnell and Frederick Schnell; providing an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the Department of Highway Safety and Motor Vehicles; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Resource recommended the following amendment which was moved by Senator Casas and adopted:

Amendment 1 (955226) (with title amendment)—On page 4, lines 4-18, delete those lines and insert: \$1,276,650.93, and

WHEREAS, the Legislature has generally favored structured payments and guaranteed term annuities in large claims and in claims on behalf of those who have suffered serious or permanent injuries that are likely to require substantial or long-term medical care, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The sum of \$8,473,349.07 is appropriated out of the funds in the State Treasury to the credit of the Department of Highway Safety and Motor Vehicles to be paid to Elizabeth Schnell as relief for her losses. After the payment of fees and costs, medical bills and other immediate needs, the remaining proceeds shall be used to purchase an appropriate structured financial plan to ensure the continued medical care of Mrs. Schnell. In the event of Mrs. Schnell's death within twenty years of the date of the enactment of this bill, the residual monies in the structured financial plan shall revert to the General Revenue Fund of the State of Florida. If Mrs. Schnell's death occurs after twenty years of the date of the enactment of this bill, then the residual monies in the structured financial plan shall inure to the benefit of Mrs. Schnell's estate. In the event Mrs. Schnell dies prior to twenty years from the date of the enactment of this bill, then her estate shall be entitled to two additional years of payments pursuant to the structured financial plan.

Section 3. The sum of \$1,276,650.93 is appropriated out of the State Treasury to the credit of the Department of Highway Safety and Motor Vehicles to be paid to Frederick Schnell as relief for his losses.

Section 4. The Comptroller is directed to draw a
(Redesignate subsequent sections.)

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

Consideration of **SB 12** was deferred.

On motion by Senator Dyer—

SB 14—A bill to be entitled An act relating to Orange County; providing for the relief of Maria Garcia, as legal guardian of Delfina Benjumea, for injuries and damages sustained by Ms. Benjumea as a result of the negligence of the Orange County Sheriff's Office; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Dyer and adopted:

Amendment 1 (955832)(with title amendment)—On page 3, lines 3-9, delete those lines and insert:

Section 2. *The Orange County Sheriff's Office is authorized and directed to appropriate from funds of the sheriff's office not otherwise appropriated and to draw a warrant in the sum of \$262,954 payable to Maria Garcia, as legal guardian of Delfina Benjumea, to be placed in the guardianship account of Delfina Benjumea, to compensate her for injuries and damages sustained as a result of the negligence of an employee of the Orange County Sheriff's Office. Upon the death of Ms. Benjumea, any balance of the \$262,954 remaining in the guardianship account, shall revert to the Orange County Sheriff's Office. It is the intent of the Legislature that no funds appropriated herein be spent, incurred, or obligated under the guardianship account for any extraordinary expenditures without prior order of the circuit court.*

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for a reversionary interest to the Orange County Sheriff's Office; providing legislative intent with respect to expenditures;

Pursuant to Rule 4.19, **SB 14** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 38—A bill to be entitled An act relating to Volusia County; providing for the relief of Fred Fedorka; providing for an appropriation to compensate him for the death of his wife, Carol Fedorka, and for injuries he sustained as a result of the negligence of Volusia County; providing an effective date.

—was read the second time by title.

Senator Burt offered the following amendments which were moved by Senator Webster and adopted:

Amendment 1 (681200)—In title, on page 2, lines 1 and 2, delete "Atlantic Hospital" and insert: Columbia Medical Center - Peninsula

Amendment 2 (895014)—On page 2, line 24, delete "will pay" and insert: has paid

Pursuant to Rule 4.19, **CS for SB 38** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Casas, by two-thirds vote **SB 42** was removed from the Special Order Calendar and withdrawn from further consideration.

On motion by Senator Jones—

SB 12—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Frank J. Ruck, Jr., and Marlene G. Ruck, individually and as Personal Representatives of the Estate of Christopher F. Ruck; providing for an appropriation to compensate them for the death of Christopher F. Ruck as a result of the negligence of Miami-Dade County; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 12** was placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Judiciary recommends the following pass: SB 2282

The bill was referred to the Committee on Children and Families under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1504 with 2 amendments

The bill was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Transportation recommends the following pass: SB 1276

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

The Committee on Children and Families recommends the following pass: SB 1760 with 3 amendments

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

The Committee on Education recommends the following pass: SB 1592 with 1 amendment, SB 1906 with 3 amendments

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1102

The Committee on Health, Aging and Long-Term Care recommends the following pass: CS for SB 402 with 1 amendment, CS for SB 404 with 1 amendment, SB 2230

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

The Committee on Criminal Justice recommends the following pass: SB 2212 with 1 amendment

The Committee on Education recommends the following pass: SJR 1008 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1620

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Agriculture and Consumer Services recommends the following pass: SB 1896

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

The Committee on Children and Families recommends the following pass: SB 1762

The Committee on Criminal Justice recommends the following pass: SB 1792

The Committee on Education recommends the following pass: SB 1870 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 2082, SB 2280

The Committee on Transportation recommends the following pass: SB 1758

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

The Committee on Children and Families recommends the following pass: SB 1280

The Committee on Ethics and Elections recommends the following pass: SB 2104

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1578, SB 2320

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

The Committee on Natural Resources recommends a committee substitute for the following: SB 1494

The bill with committee substitute attached was referred to the Committee on Agriculture and Consumer Services under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1602

The bill with committee substitute attached was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2178

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

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

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1026

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

The Committee on Natural Resources recommends committee substitutes for the following: CS for SB 806, SB 1694

The bills with committee substitutes attached were referred to the Committee on Fiscal Resource under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1362

The bill with committee substitute attached was referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1136

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1794, SB 1796

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1612, SB 2304

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1854

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 1512

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 1250, CS for SB 1292

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Natural Resources; Agriculture and Consumer Services; and Senator Laurent—

CS for SB 806—A bill to be entitled An act relating to aquaculture; amending s. 253.002, F.S.; providing duties of the Department of Agriculture and Consumer Services with respect to certain state lands; amending s. 253.01, F.S.; providing for disposition of fees for aquaculture leases; amending s. 253.67, F.S.; revising definitions; amending s. 253.71, F.S.; revising aquaculture lease contract fee and performance requirements; amending s. 253.72, F.S.; providing requirements for the marking of leased areas; amending s. 253.75, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to request comments by the Fish and Wildlife Conservation Commission regarding certain submerged land leases; amending s. 270.22, F.S.; conforming disposition of rental fees for aquaculture leases; amending s. 328.76, F.S.; providing for use of certain commercial vessel registration fees for aquaculture law enforcement and quality control programs; amending s. 370.06, F.S.; deleting authority of the Department of Agriculture and Consumer Services to issue certain special activity licenses under ch. 370, F.S.; clarifying requirements relating to the educational seminar for applicants for an Apalachicola Bay oyster harvesting license; amending s. 370.07, F.S.; providing for transfer of responsibilities relating to the Apalachicola Bay oyster surcharge from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; amending s. 370.16, F.S.; revising regulation of noncultured shellfish harvesting; providing for protection of shellfish and aquaculture

products; repealing s. 370.16(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (13), (16), (17), (19), (22), (24), (25), (26), and (27), F.S., relating to regulation and enforcement of oyster and shellfish leases by the Department of Environmental Protection, protection and development of oyster and shellfish resources, and regulation of processing for commercial use; amending ss. 370.161 and 372.071, F.S.; conforming cross-references; amending s. 372.6673, F.S.; reducing the alligator egg collection permit fee; requiring collection of a marketing assessment fee for alligator products marketing and education; amending s. 372.6674, F.S.; reducing the fee for issuance of an alligator hide validation tag; requiring collection of a marketing and assessment fee; amending s. 373.046, F.S.; revising regulatory responsibility under pt. IV of ch. 373, F.S., for aquacultural activities; amending ss. 403.814, 409.2598, and 500.03, F.S.; conforming cross-references; amending ss. 570.18 and 570.29, F.S.; conforming provisions relating to organization of the Department of Agriculture and Consumer Services; creating s. 570.61, F.S.; providing powers and duties of the Division of Aquaculture of the Department of Agriculture and Consumer Services; creating s. 570.62, F.S.; providing for appointment and duties of a division director; repealing s. 370.26(3)-(5), F.S., and amending s. 597.003, F.S.; requiring a portion of profits from aquaculture contracts to be set aside for funding certain aquaculture projects; amending s. 370.26, F.S.; transferring certain responsibilities relating to aquaculture development from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; amending s. 597.004, F.S.; revising provisions relating to aquaculture certificates of registration; amending s. 597.0041, F.S.; providing an administrative fine; providing penalties; amending s. 597.005, F.S.; requiring review of aquaculture legislative budget requests by the Aquaculture Review Council; amending s. 597.006, F.S.; revising membership of the Aquaculture Interagency Coordinating Council; creating s. 597.010, F.S.; providing for regulation and enforcement of shellfish leases by the Department of Agriculture and Consumer Services; providing for continuation of leases previously issued under ch. 370, F.S.; providing for rental fees, fee adjustments, late fees, and forfeiture for nonpayment of fees; providing a lease surcharge for certain purposes; providing for rules; providing cultivation requirements for leased lands; restricting the inheriting or transfer of leases; requiring a deposit for investigations relating to petitions for cancellation of leases to natural reefs; providing for inclusion of natural reefs in leased areas under certain circumstances; restricting leases available in Franklin County; providing prohibitions; providing for shellfish protection and development; providing for special activity licenses for harvest or cultivation of oysters, clams, mussels, and crabs; providing for uncultured shellfish harvesting seasons in Apalachicola Bay; restricting harvest of shellfish by mechanical means; providing a penalty; providing for enhancement of oyster and clam industries by the counties; prohibiting dredging of dead shells; providing for cooperation with the United States Fish and Wildlife Service; providing requirements for vessels harvesting, gathering, or transporting oysters or clams for commercial purposes; providing a definition; renumbering and amending s. 370.071, F.S.; providing that regulation of shellfish processors includes processors processing scallops; providing for a fee for licensure or certification of processing facilities; authorizing an administrative fine for violation of rules relating to regulation of shellfish processors; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Silver and Latvala—

CS for SB 1026—A bill to be entitled An act relating to the Florida Retirement System; amending ss. 121.021, 121.0515, 121.052, 121.053, 121.055, 121.081, 121.091, 121.1115, 121.1122, 121.031, and 121.121, F.S.; prescribing the method for calculating average final compensation; providing that members employed in a regularly established position shall be vested after 5 years of creditable service; providing that any terminated, inactive member must be actively employed in a covered position for 1 calendar year or more on or after the bill's effective date to achieve vested status with 5 years of service; providing for employer contribution rate increases to each membership class; adding to the Special Risk Class of membership certain aerial firefighting surveillance positions; upgrading service credit for certain years for special risk members; providing for funding of changes to the definition of average final compensation from the assets of the Florida Retirement System Trust Fund in an amount and manner sufficient to maintain actuarial soundness; providing for employer contribution rate decreases to each membership class; providing for the development of a rate stabilization mechanism; adding assistant state attorneys, assistant statewide prosecu-

tors, and assistant public defenders to the Senior Management Service Class of the system; providing a legislative declaration of an important state interest; providing effective dates.

By the Committee on Children and Families; and Senator Carlton—

CS for SB 1136—A bill to be entitled An act relating to the exploitation of elderly persons or disabled adults; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft for certain offenses in which the victim is an elderly person; providing for continuation of such a cause of action on the death of such person; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Jones and Diaz de la Portilla—

CS for SB 1250—A bill to be entitled An act relating to the Secretary of State; creating s. 15.0465, F.S.; authorizing the Secretary of State to designate certain sailing vessels with historic significance as official state flagships; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Criminal Justice; and Senator Brown-Waite—

CS for CS for SB 1292—A bill to be entitled An act relating to correctional facilities; prohibiting specified contracts to house inmates from another state in correctional facilities within the state without approval of the regional planning council or specific legislative authorization; providing for submission of proposed contracts to the regional planning council and the Correctional Privatization Commission for review and approval; providing contract restrictions; providing for approval withdrawn for contracts; providing contract requirements; providing for written confirmation of specified compliance prior to contract approval; requiring private vendors to enter into a preliminary agreement with the Correctional Privatization Commission; providing conditions and requirements for preliminary agreements; providing an effective date.

By the Committee on Children and Families; and Senator Diaz-Balart—

CS for SB 1362—A bill to be entitled An act providing for the Interstate Compact on Adoption and Medical Assistance; creating s. 409.406, F.S.; providing authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; providing for the adoption of administrative rules; creating s. 409.407, F.S.; prohibiting expansion of Florida’s financial commitment; providing an effective date.

By the Committee on Natural Resources and Senator Laurent—

CS for SB 1494—A bill to be entitled An act relating to Lake Okeechobee; amending s. 373.4595, F.S.; providing legislative findings and intent; providing definitions; providing for implementation of a Lake Okeechobee Protection Program; requiring completion of a Lake Okeechobee Protection Plan by a specified date; requiring implementation of a regional water quality treatment construction project; requiring completion of research and rulemaking related to Lake Okeechobee; requiring regional water quality monitoring; regulating the diversion of specified water; requiring a phosphorus control program and implementation of a best management practices program; providing for interagency agreements and for interim measures; providing for protection of native flora and fauna; providing for a study regarding phosphorus removal; requiring annual reports; requiring certain permits for activities in the Lake Okeechobee watershed; preserving all existing state water quality standards; preserving existing authority; amending s. 373.406, F.S.; providing exemptions from regulation under pt. IV of ch. 373, F.S.,

relating to management and storage of surface waters; amending s. 403.067, F.S.; clarifying total maximum daily load calculation; clarifying that allocations may be made for basins; changing a report’s due date; clarifying name of basin plans; providing the South Florida Water Management District with certain authority to manage lands it acquires for the Kissimmee River Headwaters Revitalization Project; encouraging less than fee title acquisition under certain circumstances; providing an effective date.

By the Committee on Ethics and Elections; and Senator Klein—

CS for SB 1512—A bill to be entitled An act relating to elections; providing a short title; amending s. 106.011, F.S.; revising definitions of the terms “political committee” and “political advertisement”; amending s. 106.021, F.S.; eliminating a provision that authorizes the unrestricted expenditure of funds for the purpose of jointly endorsing three or more candidates; amending s. 106.03, F.S.; providing additional requirements for registration of political committees and certification of committees of continuous existence, which relate to the committee name; providing penalties and applicability; amending s. 106.04, F.S.; requiring committees of continuous existence to update certain registration information; amending s. 106.07, F.S.; conforming a cross-reference; amending s. 106.08, F.S.; providing limits on contributions to a political party; revising a provision relating to restrictions on contributions to a candidate by a political party; providing penalties; reenacting s. 106.19(1), F.S., relating to penalties applicable to acceptance of contributions in excess of the limits provided by law, to incorporate the amendment to s. 106.08, F.S., in a reference thereto; amending s. 106.087, F.S.; eliminating a provision that prohibits certain political committees and committees of continuous existence from making independent expenditures in support of or opposition to a candidate or elected public official; amending s. 106.29, F.S.; requiring subordinate and executive committees of a political party to adhere to contribution limits for political parties; providing penalties; providing for severability; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Silver—

CS for SB 1602—A bill to be entitled An act relating to regional cultural facilities; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant that is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; providing an effective date.

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

CS for SB 1612—A bill to be entitled An act relating to insurance; amending s. 626.321, F.S.; authorizing individuals and entities holding a credit life or disability insurance license to sell credit insurance; modifying requirements for licensure; amending s. 627.679, F.S.; requiring certain disclosures to be made within a specified time upon the sale of credit life insurance; allowing a borrower a specified time from the date of such disclosures to rescind the coverage; providing an effective date.

By the Committee on Natural Resources and Senator Saunders—

CS for SB 1694—A bill to be entitled An act relating to Everglades restoration and funding; amending s. 201.15, F.S.; authorizing the distribution of documentary stamp tax funds to the Everglades Restoration Reserve Trust Fund; amending s. 215.22, F.S.; excluding the trust fund from the general revenue surcharge; amending s. 259.101, F.S.; providing for a redistribution of Preservation 2000 program cash balances; deleting a requirement for the redistribution of specified unencumbered balances; deleting a provision for the carrying forward of unspent funds;

abrogating the repeal of provisions relating to the acquisition of less than fee-simple title to lands; abrogating for scheduled repeal of s. 259.101(3), F.S.; amending s. 259.105, F.S.; providing for the transfer of funds from the Florida Forever Trust Fund into the Everglades Restoration Reserve Trust Fund; amending s. 259.1051, F.S.; excluding Everglades Restoration Reserve Trust Fund distributions from a requirement that the funds be spent within a specified time after transfer; creating s. 373.470, F.S.; creating the "Everglades Investment and Accountability Act"; defining terms; providing findings; providing for the deposit of specified funds into the Everglades Restoration Reserve Trust Fund; providing for supplemental funds; providing for distributions from the trust fund; providing for credit for work performed; providing for an annual report and a progress report; amending s. 375.045, F.S.; excluding Everglades Restoration Reserve Trust Fund distributions from a requirement that they be spent within a specified time after transfer; requiring the South Florida Water Management District to take action to assure that a specified deed reservation is terminated by a specified date; providing effective dates.

By the Committee on Criminal Justice and Senator McKay—

CS for SB 1794—A bill to be entitled An act relating to the Florida Statutes; repealing various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; repealing s. 775.13(4), F.S., relating to registration of certain convicted felons; amending s. 943.325, F.S.; conforming a cross-reference; repealing s. 944.1053, F.S., relating to certain agreements or contracts for correctional facilities or county detention facilities and the applicability of ch. 86-183, Laws of Florida, thereto, which provision is published elsewhere in statutes; amending s. 945.215, F.S.; deleting a provision relating to repayment of a sum appropriated in fiscal year 1996-1997 from the Inmate Welfare Trust Fund for correctional work programs; amending s. 947.03, F.S.; deleting provisions relating to tenure and removal of members of the Parole Commission serving on a specified date; providing an effective date.

By the Committee on Criminal Justice and Senator McKay—

CS for SB 1796—A bill to be entitled An act relating to the Florida Statutes; repealing various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; repealing s. 16.55, F.S., relating to development and distribution of model crime prevention training materials for county and municipal governments; amending s. 27.181, F.S.; deleting obsolete provisions relating to termination of the office of assistant state attorney and creation of the position of assistant state attorney; amending s. 27.58, F.S., relating to the effect of general law on certain local laws or ordinances providing for a public defender or assigned defence counsel; repealing s. 213.305, F.S., relating to the applicability of penalties provided by ss. 49-98 of ch. 87-6, Laws of Florida, to the failure to pay certain unpaid taxes; providing an effective date.

By the Committee on Criminal Justice and Senator Lee—

CS for SB 1840—A bill to be entitled An act relating to weapons of mass destruction; creating s. 790.166, F.S.; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a first degree felony penalty for violation; providing that violation which results in death is a capital felony; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a hoax weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a second degree felony penalty for violation; providing definitions for purposes of the act; providing nonapplicability of the act; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; providing for ranking the offense of possessing, selling, or using a weapon of mass destruction and the offense of possessing, selling, or using a hoax weapon of mass destruction; providing an effective date.

By the Committee on Criminal Justice and Senator Brown-Waite—

CS for SB 1854—A bill to be entitled An act relating to the crime of contributing to the delinquency or dependency of a child; amending s. 827.04, F.S.; defining the terms "child in need of services," "delinquent child," and "dependent child"; providing an effective date.

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

CS for SB 2178—A bill to be entitled An act relating to workforce development; amending s. 239.115, F.S.; expanding the scope of performance measures for programs funded through the Workforce Development Education Fund to include placement or retention in high-skill, high-wage occupations defined by guidelines of the Workforce Development Board; correcting organizational references; expanding funding emphasis to include programs consistent with workforce needs of private enterprise and regional economic development strategies; amending s. 288.046, F.S.; revising legislative intent for the Quick-Response Training Program; amending s. 288.047, F.S.; abolishing the Quick-Response Advisory Committee; authorizing funding for retraining of current employees to meet changing skill requirements under certain conditions; prohibiting funding to reimburse businesses for trainee wages; prescribing that grant terms may not exceed 24 months; providing for funding priority for businesses located in a brownfield area; revising grant agreement requirements; eliminating authority to procure certain equipment; prohibiting the state from seeking copyright protection for certain instructional materials; amending s. 288.9950, F.S.; revising principles of the Workforce Florida Act of 1996; amending s. 288.9951, F.S.; revising elements of a plan for a one-stop career center electronic network; revising required components of such network; extending a deadline for coordination of systems under such network; amending s. 288.9952, F.S.; directing the Workforce Development Board to supervise the expenditure, management, and administration of certain federal workforce funds by a state agency; directing the board to make recommendations related to a system to project labor market demand using research tools deemed appropriate by the board; revising the deadline for an annual report on performance of the workforce system; amending s. 288.9953, F.S.; revising the membership and appointment process of high skills/high wages committees established by regional workforce development boards; requiring the committees to report annually on occupations critical to business retention, expansion, and recruitment; amending s. 288.9956, F.S.; revising uses and allocation of certain federal Workforce Investment Act funds; reserving funds for the Incumbent Worker Training Program; providing for the Incumbent Worker Training Program to be administered by the Workforce Development Board; authorizing the board to contract for grant administration; expanding funding priority to certain businesses; clarifying uses of appropriations for the Incumbent Worker Training Program; revising a report deadline under such program; amending s. 288.0656, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Banking and Insurance; and Senator Holzen-dorf—

CS for SB 2304—A bill to be entitled An act relating to reinsurance; amending s. 215.555, F.S.; revising the definition of the term "covered policy" for purposes of coverage by the Florida Hurricane Catastrophe Fund; revising the method of determining reimbursement to insurers by the Fund; amending s. 624.610, F.S.; setting the conditions for the allowance of credit for reinsurance; providing definitions; providing for grounds for denial or revocation of an assuming insurer's accreditation; providing criteria for the disallowance of credit for reinsurance for a ceding insurer; providing for the payment of costs and expenses; providing conditions for the allowance or disallowance of credit for reinsurance for assuming insurers maintaining trust funds in qualified United States financial institutions; providing intent that there is no conflict with arbitration agreements; providing for security; providing for the inclusion of certain health maintenance organizations within the term "ceding insurer"; providing conditions for the disallowance of credit with respect to a ceding domestic insurer; providing conditions for credit for reinsurance in cases of insolvency; providing for rights against a reinsurer; providing prohibitions applying to authorized insurers, other than certain surplus lines insurance; providing procedures and information

required for a summary statement of each treaty; providing for exemptions from requirement of summary statements; providing for waiver; providing for cancellation; providing that there is no credit when there is no transfer of risk; granting authority to the Department of Insurance for rulemaking; requiring compliance with certain standards; requiring termination of approval of certain reinsurers under certain circumstances; providing an effective date for the application of cessions; providing an effective date.

Office and Appointment

*For Term
Ending*

Ross, Donald H., Port Charlotte 03/01/2003

[Referred to the Committee on Gubernatorial Appointments and Confirmations.]

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 HB 313 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Insurance and Representative Waters and others—

CS for HB 313—A bill to be entitled An act relating to payment of insurance claims; amending s. 627.4035, F.S.; authorizing payment of certain claims by debit card or other form of electronic transfer under certain circumstances; providing an effective date.

—was referred to the Committee on Banking and Insurance.

COMMITTEE MEMBERSHIP CHANGE

The President announced the appointment of Senator Sebesta to the Committee on Criminal Justice.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 21 was corrected and approved.

CO-SPONSORS

Senators Clary—SB 804; Cowin—SB 1878, SB 2314; Dawson—SB 1692; Geller—SB 1326; Holzendorf—CS for SB 288, SB 1220; Jones—CS for SB 708, SB 2002; Klein—SB 242; Kurth—SB 242; Latvala—CS for SB 1026; Mitchell—SB 2208

RECESS

On motion by Senator McKay, the Senate recessed at 11:41 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, March 29.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

GUBERNATORIAL APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

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

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Funeral Directors and Embalmers Appointee: Matt, Dwayne E., St. Petersburg	10/31/2002
State Board of Independent Colleges and Universities Appointee: Frink, John Spencer, Daytona Beach	09/30/2002
Investment Advisory Council Appointee: Grant, Randi K., Cooper City	12/12/2003
Board of Pilot Commissioners Appointee: Phipps, Cheryl A., Ft. Lauderdale	10/31/2002
Florida Real Estate Appraisal Board Appointee: Birch, Patricia J., Miami	10/31/2002
Treasure Coast Regional Planning Council, Region 10 Appointee: Whitley, Thel T., Ft. Pierce	10/01/2002
Board of Speech-Language Pathology and Audiology Appointee: Pizarro, Elena, Mt. Dora	10/31/2002
Governing Board of the St. Johns River Water Management District Appointees: Kerr, William W., Melbourne Beach Ottstroer, Duane L., Jacksonville	03/01/2004 03/01/2004
Alafia River Basin Board of the Southwest Florida Water Management District Appointee: Harris, Wayne L., Ruskin	03/01/2003
Peace River Basin Board of the Southwest Florida Water Management District Appointees: D'Andrea, Thomas M., Punta Gorda	03/01/2003