



Journal of the Senate

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CONTENTS

Bills on Third Reading	350, 355
Call to Order	350
Co-Sponsors	364
Committee Substitutes, First Reading	359
House Messages, First Reading	363
Introduction and Reference of Bills	357
Motions	355, 356
Motions Relating to Committee Reference	350, 356
Reports of Committees	356
Special Order Calendar	351, 355

CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—39:

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Excused: Senator Horne

PRAYER

The following prayer was offered by the Dr. Chuck Baldwin, Pastor, Crossroads Baptist Church, Pensacola:

Heavenly Father, we want to first of all remember the family of Senator Jim Horne whose father, Howard Horne, passed away yesterday morning. We pray that your grace and your mercy and your peace will be upon this family in a very special and real way; that you would undergird and hold them and strengthen them at this time of loss.

Father, we pray for this deliberation. We ask, dear Lord, that you would guide every member of this body; that your will be done in everything that we say and do today.

Lord, tomorrow we will remember the sacrifice of God's Son on Calvary's Cross. Then on Sunday we will celebrate the empty tomb.

Father, then next week we will remember the sacrifice of those American patriots who stood on Lexington Green and fired that shot heard around the world—the shot that birthed this free nation. I pray, dear heavenly Father, for everything we do here today. We thank you for the sacrifice of God's Son, and we thank you for the sacrifice of the Sons of Liberty. We ask that everything we do and everything we say today in this Chamber will pay tribute to the sacrifice made by each. Amen.

PLEDGE

Senate Pages Amanda May of Tallahassee, Matt Parrish of Tierra Verde and Carolyn Martin of Bradenton, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Rudolph Moise of North Miami, sponsored by Senator Meek, as doctor of the day.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB's 310 and 380** was withdrawn from the Committees on Natural Resources; and Rules and Calendar; **CS for SB 478** was withdrawn from the Committee on Education; **CS for SB 658, CS for SB 1506 and CS for CS for SB's 1970 and 164** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for CS for SB 1178** was withdrawn from the Committees on Governmental Oversight and Productivity; and Finance and Taxation; **SB 1378** was withdrawn from the Committee on Natural Resources; **SB 1002 and SB 1820** were withdrawn from the Committee on Criminal Justice; **SB 1636** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **CS for SB 2110** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; and **SCR 2106** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Lee, by two-thirds vote **CS for SB 1666** was also referred to the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Lee, by two-thirds vote **CS for SB 866** which has been reported favorably by the Appropriations Subcommittee on Education with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations; and **CS for SB 1120** which has been reported favorably by the Appropriations Subcommittee on General Government with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

BILLS ON THIRD READING

SB 412—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **SB 412** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—27

Mr. President	Brown-Waite	Carlton	Constantine
Bronson	Burt	Clary	Cowin

Crist	Laurent	Posey	Smith
Diaz de la Portilla	Lawson	Pruitt	Sullivan
Garcia	Lee	Sanderson	Villalobos
King	Mitchell	Saunders	Webster
Latvala	Peaden	Sebesta	

Nays—12

Campbell	Geller	Klein	Rossin
Dawson	Holzendorf	Meek	Silver
Dyer	Jones	Miller	Wasserman Schultz

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

Amendment 1 (932166)(with title amendment)—On page 13, lines 5 and 6, delete “*the executive director*” and insert: *a representative*
And the title is amended as follows:

On page 1, lines 14 and 15, delete “the executive director” and insert: *a representative*

Pursuant to Rule 4.19, **SB 814** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for HB 271** was deferred.

CS for SB 224—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; defining the term “medically essential”; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

—as amended April 11 was read the third time by title.

On motion by Senator Dawson, **CS for SB 224** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Laurent	Sanderson
Bronson	Diaz de la Portilla	Lawson	Saunders
Brown-Waite	Dyer	Lee	Sebesta
Burt	Garcia	Meek	Silver
Campbell	Geller	Miller	Smith
Carlton	Holzendorf	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	

Nays—None

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Crist—

SB 814—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner as the Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; requiring such funds to be deposited in the Grants and Donations Trust Fund of the Executive Office of the Governor; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council as the Florida Film and Entertainment Advisory Council; adding the executive director of Workforce Florida, Inc., as an ex officio, nonvoting member of the council; requiring the council chair to be elected from the council’s appointed membership; amending ss. 212.097 and 212.098, F.S.; expanding the definition of “eligible business” under the Urban High-Crime-Area Job Tax Credit Program and the Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending ss. 14.2015, 213.053, 288.1253, and 288.1258, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

On motion by Senator King—

CS for SB 1260—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 658.12, F.S.; revising a definition of the term banker’s bank; amending s. 658.165, F.S.; providing criteria for formation of a banker’s bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; amending s. 658.48, F.S.; revising limitations on the percentage of the capital accounts of the lending bank which apply to loans made to any one borrower on the security of shares of capital stock; revising the circumstances in which a bank may not make loans; repealing s. 655.81, F.S., relating to deposits in trust; providing effective dates.

—was read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (345688)—On page 20, line 22 through page 21, line 8, delete those lines and insert:

(d) *A one-bank holding company bank may make loans on its own one-bank holding company stock. For capital stock that is listed and traded on a recognized exchange, the stock may not be valued at more than 70 percent of its current market value, and for capital stock that is not listed and traded on a recognized exchange, the stock may not be valued at more than 70 percent of its current book value.*

(e)(~~d~~) *Loans based upon the security of real estate mortgages shall be documented as first liens, except that liens other than first liens may be taken:*

1. To protect a loan previously made in good faith;
2. To further secure a loan otherwise amply and entirely secured;
3. As additional security for Federal Housing Administration Title 1 loans or loans made with participation or guaranty by the Small Business Administration;
4. To secure a loan not in excess of 15 percent of the capital accounts of the bank; or
5. As provided by rules of the department.

(f)(e) In computing the total liabilities of any person, there shall be included all loans endorsed or guaranteed as to repayment by such person and by any related interest of such person.

(g)(f) All loan documentation shall be written in the

Amendment 2 (401664)(with title amendment)—On page 21, between lines 12 and 13, insert:

Section 19. Paragraph (b) of subsection (3) of section 655.82, Florida Statutes, is amended to read:

655.82 Pay-on-death accounts.—

(3) In an account with a pay-on-death designation:

(b) On the death of the sole party or the last survivor of two or more parties, sums on deposit belong to the surviving beneficiary or beneficiaries. If two or more beneficiaries survive, sums on deposit belong to them in equal and undivided shares, and, *unless otherwise provided in a depository agreement written between December 31, 1994, and July 1, 2001*, there is no right of survivorship in the event of death of a beneficiary thereafter. If no beneficiary survives, sums on deposit belong to the estate of the last surviving party.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 15, following the semicolon (;) insert: amending s. 655.82, F.S.; prescribing survivorship rights among beneficiaries of pay-on-death accounts;

Pursuant to Rule 4.19, **CS for SB 1260** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 992—A bill to be entitled An act relating to dental service claim denials; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 992** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for CS for SB 158—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within a described area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (434390)(with title amendment)—On page 5, between lines 18 and 19, insert:

Section 6. *Enterprise zone designation for Hillsborough County.— Hillsborough County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, which zone encompasses a high-crime, low-income, high-unemployment area that is north of Fowler Avenue, south of Bearss Avenue, east of Florida Avenue, west of Bruce B. Downs Boulevard, near the University of South Florida, adjacent to University Square Mall, north of a major theme park, an area that has been designated a federal Weed & Seed target area, and a Community Development Block Grant (CDBG) target area and that houses an active public/private 501(c)(3) community development corporation working to improve the area. The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.*

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: providing for designation of a specified area within Hillsborough County as an enterprise zone;

Senator Constantine moved the following amendment which was adopted:

Amendment 2 (341928)(with title amendment)—On page 6, between lines 24 and 25, insert:

Section 8. *Notwithstanding any provisions of law to the contrary, the governing body of an inland county with a state-designated enterprise zone and a population greater than 500,000 may apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of one noncontiguous area of an enterprise zone. The office shall approve the application as long as the amended area does not exceed 4 square miles and is consistent with the categories, criteria, and limitations imposed by section 290.0055, Florida Statutes, upon the establishment of such enterprise zone. The enterprise zone boundary-amendment application must be received before December 31, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 2, after the semicolon (;) insert: authorizing a boundary change in a specified enterprise zone;

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

Amendment 3 (852012)—On page 3, lines 5-7, delete those lines and insert: *the number of enterprise zones within a population category, the*

Amendment 4 (954642)(with title amendment)—On page 2, line 15 through page 3, line 1, delete those lines and insert: *encompasses an area up to 10 contiguous square miles. The application must be submitted by*

And the title is amended as follows:

On page 1, lines 5 and 6, delete “a described area” and insert: an area

Pursuant to Rule 4.19, **CS for CS for SB 158** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 850** was deferred.

On motion by Senator Campbell—

SB 338—A bill to be entitled An act relating to criminal justice; amending s. 782.04, F.S.; making it a capital felony to commit the unlawful killing of a human being while perpetrating or attempting to perpetrate the act of resisting a law enforcement officer with violence to the officer's person; providing penalties for specified murders involving the

perpetration of or the attempt to perpetrate the act of resisting a law enforcement officer with violence to the officer's person; reenacting ss. 775.0823(1), (2), (3), (4), (5), and (6), 782.051, 903.133, 921.0022(3)(h) and (i), and 947.146(3)(i), F.S., relating to violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges, relating to attempted felony murder, relating to bail on appeal prohibited for certain felony convictions, relating to the Criminal Punishment Code offense severity ranking chart, and relating to the Control Release Authority; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Campbell and adopted:

Amendment 1 (561998)(with title amendment)—On page 2, delete line 22 and insert:

p. Resisting an officer with violence

And the title is amended as follows:

On page 1, delete line 6 and insert: the act of resisting an officer

Amendment 2 (364064)(with title amendment)—On page 4, delete line 2 and insert:

(p) Resisting an officer with violence

And the title is amended as follows:

On page 1, lines 10 and 11, delete those lines and insert: perpetrate the act of resisting an officer with violence to the

Amendment 3 (270252)—On page 5, delete line 8 and insert:

(q) Resisting an officer with violence

Amendment 4 (772500)(with title amendment)—On page 5, line 14 through page 6, line 26, delete those lines and insert:

Section 2. Section 775.0823, Florida Statutes, is amended to read:

775.0823 Violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges.—~~Any provision of law to the contrary notwithstanding.~~ The Legislature does hereby provide for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against any state attorney elected pursuant to s. 27.01 or assistant state attorney appointed under s. 27.181; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the officer's duty as a law enforcement or correctional officer, the state attorney's or assistant state attorney's duty as a prosecutor or investigator, or the justice's or judge's duty as a judicial officer, as follows:

(1) For murder in the first degree as described in s. 782.04(1), if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

(2) For attempted murder in the first degree as described in s. 782.04(1), a sentence pursuant to *s. 775.082, s. 775.083, or s. 775.084* ~~the Criminal Punishment Code~~.

(3) For murder in the second degree as described in s. 782.04(2) and (3), a sentence pursuant to *s. 775.082, s. 775.083, or s. 775.084* ~~the Criminal Punishment Code~~.

(4) For attempted murder in the second degree as described in s. 782.04(2) and (3), a sentence pursuant to *s. 775.082, s. 775.083, or s. 775.084* ~~the Criminal Punishment Code~~.

(5) For murder in the third degree as described in s. 782.04(4), a sentence pursuant to *s. 775.082, s. 775.083, or s. 775.084* ~~the Criminal Punishment Code~~.

(6) For attempted murder in the third degree as described in s. 782.04(4), a sentence pursuant to *s. 775.082, s. 775.083, or s. 775.084* ~~the Criminal Punishment Code~~.

(7) For manslaughter as described in s. 782.07 during the commission of a crime, a sentence pursuant to *s. 775.082, s. 775.083, or s. 775.084* ~~the Criminal Punishment Code~~.

(8) For kidnapping as described in s. 787.01, a sentence pursuant to *s. 775.082, s. 775.083, or s. 775.084* ~~the Criminal Punishment Code~~.

(9) For aggravated battery as described in s. 784.045, a sentence pursuant to *s. 775.082, s. 775.083, or s. 775.084* ~~the Criminal Punishment Code~~.

(10) For aggravated assault as described in s. 784.021, a sentence pursuant to *s. 775.082, s. 775.083, or s. 775.084* ~~the Criminal Punishment Code~~.

Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld.

And the title is amended as follows:

On page 1, lines 12-18, delete those lines and insert: officer's person; amending s. 775.0823, F.S.; correcting sentencing references; reenacting ss. 782.051, 903.133, 921.0022(3)(h) and (i), and 947.146(3)(i), F.S., relating to

Senator Campbell moved the following amendment which was adopted:

Amendment 5 (434050)(with title amendment)—On page 1, line 27, insert:

Section 1. *This act may be cited as the "Bryant Peney Act."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, following the semicolon (;) insert: providing a short title;

Pursuant to Rule 4.19, **SB 338** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB 248—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. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting requirement that a court order certain defendants to attend a batterers' intervention program; 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; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (694758)—On page 3, lines 4 and 13 and on page 9, line 9, delete "*have a child in common*" and insert: *are parents of a child in common*

Amendment 2 (320940)—On page 9, line 1, following "*including*" insert: *, but not limited to,*

Amendment 3 (422398)(with title amendment)—On page 16, between lines 2 and 3, insert:

Section 8. Paragraph (c) of subsection (1) of section 28.101, Florida Statutes, is amended to read:

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(c) A charge of ~~\$36~~ **\$18**. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Domestic Violence Trust Fund. Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers.

(Redesignate subsequent section.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: amending s. 28.101, F.S.; increasing an additional charge on a dissolution of marriage petition to \$36;

Pursuant to Rule 4.19, **CS for CS for SB 248** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR CLARY PRESIDING

Consideration of **CS for SB 424** was deferred.

SB 532—A bill to be entitled An act creating the Outcome-Based Total Accountability Act; amending s. 216.023, F.S.; requiring state agencies to submit additional information in legislative budget requests; providing an effective date.

—was read the second time by title.

Senator Posey moved the following amendment:

Amendment 1 (484182)(with title amendment)—On page 2, between lines 3 and 4, insert:

At the regular session immediately following the submission of the agency unit cost summary, the Legislature shall reduce in the General Appropriations Act for the ensuing fiscal year, by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year, the funding of each state agency that fails to submit the report required under this subsection.

Section 3. Subsections (8), (9), and (10) of section 216.181, Florida Statutes, are repealed.

Section 4. Subsection (1) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(1) *Except as provided in s. 216.262(1)(h), the annual rate of salary of any officer or employee filling the position specifically named in an item in the appropriations acts shall be as provided in one of the following paragraphs:*

(a) In the amount appropriated for such position;

(b) The amount appropriated in an item for the named positions in that item, shall be divided by the indicated number of such positions, and the resulting quotient shall be the annual rate of salary of each such position; or

(c) Within the amounts appropriated where such salary may be otherwise fixed pursuant to law.

Section 5. Paragraph (h) is added to subsection (1) of section 216.262, Florida Statutes, to read:

216.262 Authorized positions.—

(1)

(h) The Legislature recognizes the value of providing incentives to retain a quality workforce and that, oftentimes, necessary efficiency and cost-saving measures may lead to increased workloads and demands on the state workforce. Therefore, it is the intent of the Legislature to allow agencies to retain a portion of the savings that would be generated based on changes to authorized positions and to use those savings for permanent salary increases. To be eligible, an agency must submit to the Legislative Budgeting Commission its plan identifying the modification to an

approved program resulting in efficiency and cost savings. The agency's plan must demonstrate how the agency intends to meet its goals and objectives established in the long-range program plan, as well as meet the performance standards established by the Legislature. The Legislative Budgeting Commission shall determine the amount to be retained by the agency. In determining that amount, the Legislative Budgeting Commission shall consider the actual savings for the current year and the annualized savings. The amount to be retained must be set by the Legislative Budget Commission at no less than 10 percent and no more than 30 percent of the actual savings and must be used for permanent salary increases that are specified in the agency's plan.

Section 6. Section 216.1826, Florida Statutes, is created to read:

216.1826 Activity-based planning and budgeting.—

(1) Beginning July 1, 2003, and continuing thereafter, the state budget must be structured to encompass the principles of activity-based planning and budgeting. In preparation for the legislative budget requests and long-range program plans for fiscal year 2003-2004, agencies shall work in consultation with the Executive Office of the Governor and with the appropriations and appropriate substantive committees of the Legislature to identify and reach consensus on the appropriate services and activities for activity-based budgeting. It is the intent of the Legislature that all dollars within an agency be allocated to the appropriate activity for budgeting purposes. Additionally, agencies shall examine approved performance measures and recommend any changes so that outcomes are clearly delineated for each service or program, or both, as appropriate, and outputs are aligned with activities. Output measures must be capable of being used to generate a unit cost for each activity, resulting in a true accounting of what the state should spend on each activity it provides and what the state should expect to accomplish with those funds.

(2) Directions for developing activity-based budgets and plans must be included in the instructions for the Legislative Budget Request and Long-range Program Plan for Fiscal Year 2003-2004.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: providing for reducing funding of agencies that do not comply; repealing s. 216.181(8), (9), (10), F.S., relating to salary rates; amending ss. 216.215, 216.262, F.S.; providing for permanent salary increases, based on savings generated through changes in authorized positions; creating s. 216.1826, F.S.; requiring activity-based planning and budgeting after a specified date;

On motion by Senator Posey, further consideration of **SB 532** with pending **Amendment 1** was deferred.

On motion by Senator Jones—

CS for SB 424—A bill to be entitled An act relating to retired judges; amending s. 25.073, F.S.; redefining the term “retired justice” or “retired judge” with respect to certain justices or judges assigned to temporary duty; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 424** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

SB 1516—A bill to be entitled An act relating to surety bonds; amending ss. 235.32, 255.05, F.S.; prohibiting public entities from directing that contractors building public facilities obtain surety bonds from a specific agent or bonding company; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1516** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 688—A bill to be entitled An act relating to health care; requiring the Agency for Health Care Administration to convene an interagency workgroup to study issues pertaining to certain background screening requirements for health care professionals and owners, operators, and employees of certain health care providers, services, and programs; providing for composition of the workgroup; requiring a report; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 688** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Sanderson—

SB 782—A bill to be entitled An act relating to the Nursing Student Loan Forgiveness Program; amending ss. 240.4075, 240.4076, F.S.; including family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendments which were moved by Senator Sanderson and adopted:

Amendment 1 (484918)(with title amendment)—On page 3, line 1, after "408.07," insert: *nursing homes*,

And the title is amended as follows:

On page 1, line 4, after "including" insert: *nursing homes*,

Amendment 2 (395674)—On page 3, line 13, delete "*Board of Regents*" and insert: *Department of Education*

Senator Sanderson moved the following amendment which was adopted:

Amendment 3 (983814)—In title, on page 1, lines 2 and 3, delete those lines and insert: An act relating to nursing education; amending ss. 240.4075,

Pursuant to Rule 4.19, **SB 782** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

CS for HB 271—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to a non-profit scholarship funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for annual funding through the General Appropriations Act; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; providing an effective date.

—as amended April 11 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Pruitt, by two-thirds vote the Senate reconsidered the vote by which **Amendment 1 (463418)** was adopted.

Senators Wasserman Schultz and Diaz de la Portilla offered the following amendment to **Amendment 1** which was moved by Senator Wasserman Schultz and adopted by two-thirds vote:

Amendment 1C (445500)—On page 3, line 3, after "*application*" insert: *The credit granted by this section shall be reduced, if necessary, so that the reduction in federal corporate income taxes and the reduction in taxes imposed pursuant to this chapter as a result of this section and s. 220.13(1)(a)11. will not exceed the amount of the contribution to the nonprofit scholarship-funding organization.*

Amendment 1 as amended was adopted by two-thirds vote.

SENATOR SULLIVAN PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Pruitt, **CS for HB 271** as amended was passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Constantine	Laurent	Sebesta
Bronson	Cowin	Lee	Sullivan
Brown-Waite	Crist	Peaden	Villalobos
Burt	Diaz de la Portilla	Posey	Webster
Campbell	Garcia	Pruitt	
Carlton	King	Sanderson	
Clary	Latvala	Saunders	

Nays—14

Dawson	Jones	Miller	Smith
Dyer	Klein	Mitchell	Wasserman Schultz
Geller	Lawson	Rossin	
Holzendorf	Meek	Silver	

MOTION

Senator Meek moved that the remarks made during debate on **CS for HB 271** be spread upon the Journal.

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

SPECIAL ORDER CALENDAR, continued

On motion by Senator Burt—

SB 850—A bill to be entitled An act relating to state facilities; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; providing for direct negotiations of certain leases; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (794360)—On page 2, line 7, after "*independent*" insert: *comparative*

Senator Klein moved the following amendment which was adopted:

Amendment 2 (382878)(with title amendment)—On page 2, line 14 through page 3, line 21, delete those lines and insert:

(c) Any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the agency pursuant to s. 120.57(3)(b) shall post with the state agency at the time of filing the formal written protest a bond payable to the agency in an amount equal to 1 percent of the estimated total rental of the basic lease period or \$5,000, whichever is greater, which bond shall be conditioned upon the payment of all costs which may be adjudged against him or her in the administrative hearing in which the action is brought and

in any subsequent appellate court proceeding. If the agency prevails after completion of the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the agency all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

(d) The agency and the lessor, when entering into a lease for 5,000 or more square feet of a privately owned building, shall, before the effective date of the lease, agree upon and separately state the cost of tenant improvements which may qualify for reimbursement if the lease is terminated before the expiration of its base term. The department shall serve as mediator if the agency and the lessor are unable to agree. The amount agreed upon and stated shall, if appropriated, be amortized over the original base term of the lease on a straight-line basis.

(e) The unamortized portion of tenant improvements,
And the title is amended as follows:

On page 1, lines 6 and 7, delete those lines and insert: providing an effective date.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sebesta, by two-thirds vote **SB 2206** was withdrawn from the committees of reference and further consideration.

On motions by Senator Lee, by two-thirds vote **CS for SB 1750** was withdrawn from the Committee on Governmental Oversight and Productivity; **CS for SB 890** was withdrawn from the Committee on Rules and Calendar; and **CS for CS for SB 1258** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

MOTIONS

On motion by Senator Lee, a deadline of 5:00 p.m. Tuesday, April 17, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 18.

REPORTS OF COMMITTEES

The Committee on Regulated Industries recommends the following pass: SB 1382, CS for SB 1662

The bills were referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Children and Families recommends the following pass: CS for SB 1672 with 1 amendment

The bill was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 1872

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

The Committee on Finance and Taxation recommends committee substitutes for the following: CS for CS for SB's 1526 and 314, SB 1576

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1558

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1476

The Committee on Judiciary recommends a committee substitute for the following: SB 386

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1744

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 744

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 Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1910

The Committee on Judiciary recommends a committee substitute for the following: SB 1814

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

The Committee on Judiciary recommends a committee substitute for the following: SB 76

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

The Committee on Children and Families recommends a committee substitute for the following: SB 2178

The Committee on Comprehensive Planning, Local and Military Affairs recommends committee substitutes for the following: SB 2124, SB 2220

The Committee on Judiciary recommends a committee substitute for the following: SB 620

The Committee on Natural Resources recommends a committee substitute for the following: SB 2120

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2096

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2062

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2066

The Committee on Transportation recommends a committee substitute for the following: SB 2044

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1226

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 834

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 1638

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1468

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: CS for SB 1272

The Committee on Judiciary recommends a committee substitute for the following: SB 1082

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Public Safety and Judiciary recommends committee substitutes for the following: CS for SB 306, CS for SB 366

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Silver—

SB 2268—A bill to be entitled An act relating to the corporate income tax; creating s. 220.17, F.S.; providing for a credit against the tax for a taxpayer that provides its employees with long-term-care insurance coverage; defining terms; amending s. 220.02, F.S.; providing for the order in which credits are to be applied; providing retroactive applicability; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Finance and Taxation.

By Senator Dawson—

SB 2270—A bill to be entitled An act relating to Broward County; authorizing each municipality within the county to adopt an ordinance regulating in public places the control and confinement of certain dogs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dawson—

SB 2272—A bill to be entitled An act relating to the West Lauderdale Water Control District; repealing section 9.02 of chapter 96-472, Laws of Florida; providing for the dissolution of the West Lauderdale Water Control District on a specified date; providing for the assumption of its assets and liabilities by the Bonaventure Development District; providing for continuance of certain contracts; providing for limitations and restrictions on the use of the assets and revenues of the West Lauderdale Water Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dawson—

SB 2274—A bill to be entitled An act relating to Broward County; authorizing local governments in the county to grant an exception from the concurrency requirement for transportation facilities under s. 163.3180, F.S., for certain developments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Senator Dawson—

SB 2276—A bill to be entitled An act relating to Broward County, Florida; amending chapter 2000-475, Laws of Florida; providing for de-annexation of certain lands from the Town of Davie; providing for annexation of certain lands into the Town of Southwest Ranches; providing for the transfer of all public roads and rights-of-way on the Broward County Road System lying within the corporate boundaries of the Town of Southwest Ranches as of June 6, 2000; excluding certain portions of Sheridan Street and Griffin Road from the transfer; providing for confirmation of corporate existence of the Town of Southwest Ranches on June 6, 2000; providing for retroactive application; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Sebesta—

SB 2278—A bill to be entitled An act relating to public guardianship; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term “direct-support organization”; providing for the purposes of a direct-support organization; requiring an audit; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

Senate Resolutions 2280—2284—Not referenced.

By Senator Clary—

SB 2286—A bill to be entitled An act relating to state revenues; amending s. 215.5601, F.S.; defining the term “participating manufacturer”; revising legislative intent; specifying procedures by which a tobacco product manufacturer may become a participating manufacturer; providing that certain tobacco product manufacturers are participating

manufacturers; providing for funds received from participating manufacturers to be deposited into the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.15, F.S.; imposing a supplemental permit fee on wholesale dealers; providing for calculating the amount of the fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the fee; amending ss. 17.41, 20.435, and 215.5602, F.S., relating to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund, the Biomedical Research Trust Fund, and the Florida Biomedical Research Program; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Regulated Industries; and Finance and Taxation.

SR 2288—Not referenced.

By Senator Peaden—

SB 2290—A bill to be entitled An act relating to taxation; amending s. 28.24, F.S.; increasing the amount of the service charges received by the clerk of court for processing an application for a tax deed sale and for disbursing the excess proceeds of a tax deed sale; amending s. 197.502, F.S.; increasing the amount of the tax deed application fee which is allowed to the tax collector; providing that certain fees must be paid at the time of application; amending procedures that apply if there are no bidders at a public sale of property against which tax certificates are held; prescribing the period during which interest on the opening bid continues to accrue; amending s. 197.512, F.S.; specifying the length of time for which notice of application for a tax deed must be published; providing an exception to certain recording duties of the clerk; amending s. 197.542, F.S.; revising procedures relating to the sale at public auction of lands on which an application for tax deed has been obtained; requiring the high bidder to post a nonrefundable cash deposit at the time of the sale; amending s. 197.582, F.S.; revising provisions governing the disbursement of the proceeds of a sale; amending s. 199.135, F.S.; increasing the percentage of the tax collected under s. 199.133, F.S., which the clerk retains as collection costs; amending s. 201.02, F.S.; increasing the tax imposed on deeds and other instruments relating to real property; providing for the clerk to retain a specified amount; amending s. 201.022, F.S.; increasing the amount retained by the clerk if the clerk must file a return that is required as a condition precedent to the recording of any deed that transfers an interest in real property; amending s. 201.05, F.S.; increasing the tax on stock certificates; providing that the clerk retains a portion of the tax; amending s. 201.07, F.S.; increasing the tax on bonds, debentures, and certificates of indebtedness; providing that the clerk retains a portion of the tax; amending s. 201.08, F.S.; increasing the tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; providing that the clerk retains a portion of the tax; amending s. 201.11, F.S.; increasing the amount of collection costs that agents for the collection of the tax imposed under ch. 201, F.S., receive; providing applicability of provisions of this act which relate to tax deeds; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Finance and Taxation.

By Senator Posey—

SB 2292—A bill to be entitled An act relating to health care; amending s. 641.28, F.S.; revising award of attorney's fees in civil actions under certain circumstances; amending s. 641.3917, F.S.; authorizing civil actions against health maintenance organizations by certain persons under certain circumstances; providing requirements and procedures; providing for liability for damages and attorney's fees; prohibiting punitive damages under certain circumstances; requiring the advance posting of discovery costs; amending s. 440.11, F.S.; establishing exclusive liability of health maintenance organizations; providing application;

providing a legislative declaration; providing appropriation; providing an effective date.

—was referred to the Committees on Judiciary; and Health, Aging and Long-Term Care.

By Senator Rossin—

SB 2294—A bill to be entitled An act relating to local taxing jurisdiction property address databases; providing immunity from liability for an insurer for certain taxes, interest, and penalties due to the assignment of an insured property to an incorrect local taxing jurisdiction if the insurer uses the electronic database developed by the Department of Revenue; providing a penalty against an insurer that does not use such database and makes an improper assignment; requiring the Department of Revenue to develop, maintain, and update an electronic database for certain property addresses for certain purposes; providing requirements; providing duties of the department; requiring participating local taxing jurisdictions to provide certain information to the department for such purposes; requiring the department to update such database and to post the data on a website upon request; requiring the department to provide magnetic or electronic copies of such database to insurers upon request; providing definition of the term "due diligence"; authorizing the department to adopt rules; providing for a minimum excise tax distribution to certain participating local taxing jurisdictions; providing conditions under which a municipality or special fire control district must expend any increase in premium tax revenues to provide extra pension benefits; providing a startup appropriation; providing for a continuing appropriation to the department to implement the act; providing an effective date.

—was referred to the Committees on Finance and Taxation; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Jones—

SB 2296—A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality standards for reuse systems; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Cowin—

SB 2298—A bill to be entitled An act relating to Marion County; requiring a disclosure summary to prospective purchasers of property in a subdivision that requires membership in a homeowners' association; providing for audits of certain homeowners' associations; authorizing the creation of a homeowners' grievance board to mediate complaints from homeowners; authorizing the county to provide monetary penalties and the revocation or suspension of business permits or occupational licenses; providing for the disclosure of maintenance and amenity fees in a complete financial report by the developer; providing for methods of distribution of financial reports; providing exceptions; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Cowin—

SB 2300—A bill to be entitled An act relating to Marion County; prohibiting watercraft within specified areas of Lake Weir from proceeding at greater than "no-wake" speeds; requiring the board of county commissioners to erect signs; directing the Marion County Sheriff to enforce the prohibition; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Peaden—

SB 2302—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing a revised definition of “disciplinary action”; providing an extended probationary period for entry-level communications dispatcher positions; expanding training program provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2304—A bill to be entitled An act relating to Lee County and the City of Fort Myers; amending section 4, chapter 98-488, Laws of Florida, as amended; providing for the addition of a special election that may be conducted by the city for the interlocal agreement approval referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2306—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending chapter 2000-393, Laws of Florida, to include specific authorization of the imposition, collection, and use of impact fees as provided in chapter 191, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Cowin—

SB 2308—A bill to be entitled An act relating to the South Lake County Hospital District, Lake County; providing for codification of special laws relating to the South Lake County Hospital District; providing legislative intent; amending, codifying, reenacting, and repealing chapters 69-1201, 70-771, 75-415, 88-466, 95-456, Laws of Florida; providing district boundaries; providing definitions; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; providing a principal office of the district; authorizing the board to levy an annual ad valorem tax upon taxable property within the district; providing for purpose of the tax; providing for a method for such levy; exempting property of the district for assessment; prohibiting the board from transferring control of the district’s hospitals or facilities except upon approval by referendum; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Governmental Oversight and Productivity; and Senators Burt, Smith and Lawson—

CS for SB 2—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the term “average final compensa-

tion” with respect to the Florida Retirement System; revising contribution rates as part of the funding process; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 76—A bill to be entitled An act relating to Martin County; providing for the relief of Margaret B. Helm for injuries and damages sustained as a result of the negligence of the Martin County Volunteer Fire Department; specifying the use of funds appropriated; providing for reimbursement of Medicaid and Brain and Spinal Cord Injury Program expenditures; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 386—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing authority for the Secretary of State to delegate certain filing functions to a private filing agency under certain circumstances; providing criteria, requirements, procedures, and limitations; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller’s interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers’ rights to goods on a seller’s repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer’s right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying

rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; providing effective dates.

By the Committee on Judiciary; and Senators Meek and Campbell—

CS for SB 620—A bill to be entitled An act relating to discrimination in the treatment of persons; amending s. 16.57, F.S.; providing for the Attorney General to investigate violations of rights secured by state law; amending s. 760.34, F.S.; authorizing the Attorney General to intervene in certain civil actions to enforce compliance with part II of ch. 760, F.S.; authorizing the Attorney General to commence a civil action to obtain damages or other relief for a violation of rights secured by the State Constitution or state law; providing for a civil penalty; providing for attorney's fees and costs; amending s. 760.11, F.S.; authorizing the Attorney General to intervene in certain civil actions to enforce compliance with part I of ch. 760, F.S.; authorizing the Attorney General to commence a civil action to obtain damages or other relief for a violation of rights secured by the State Constitution or state law; providing for a civil penalty; providing for attorney's fees and costs; providing an effective date.

By the Committee on Regulated Industries; and Senator Clary—

CS for SB 744—A bill to be entitled An act relating to the review and inspection of building construction; creating the Building Construction Permitting and Inspection Task Force; providing responsibilities; providing for appointment of members; providing for meetings and staffing by the Florida Building Commission; providing for recommendations and a report by a date certain; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Bronson—

CS for SB 834—A bill to be entitled An act relating to solid waste management facilities; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

By the Committee on Judiciary; and Senators Villalobos and Crist—

CS for SB 1082—A bill to be entitled An act relating to the exclusionary rule; creating s. 90.959, F.S.; providing legislative findings regarding the Division of Driver Licenses and the Division of Motor Vehicles of the

Department of Highway Safety and Motor Vehicles; providing legislative findings regarding records maintained by the divisions; providing legislative findings regarding the missions of the divisions and the department; providing legislative findings regarding the application of the exclusionary rule; prohibiting the exclusion of evidence in certain circumstances; amending s. 322.20, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 322, F.S., shall not be considered law enforcement functions; amending s. 320.05, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 320, F.S., shall not be considered law enforcement functions; providing an effective date.

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

CS for SB 1226—A bill to be entitled An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing an effective date.

By the Committees on Health, Aging and Long-Term Care; Regulated Industries; and Senators Burt and Crist—

CS for CS for SB 1272—A bill to be entitled An act relating to consumer services; amending s. 455.228, F.S.; authorizing the Department of Business and Professional Regulation to seek restitution in a civil action for an injured consumer; creating s. 468.90, F.S.; prohibiting employment agencies and assistance referral services from charging advance fees and not providing the promised services; defining terms; providing a criminal penalty; amending s. 484.0512, F.S.; providing a criminal penalty for sellers of hearing aids who fail to make required refunds; defining the terms "seller" and "person selling a hearing aid"; amending s. 501.160, F.S.; redefining the term "commodity"; prohibiting unconscionable pricing during an ordered evacuation as well as a declared state of emergency; providing an exception to the exemption for government-approved price increases for posted room rates; providing that the prohibition against unconscionable pricing during an emergency or ordered evacuation does not preempt local governments from enacting similar provisions; creating s. 501.162, F.S.; providing a criminal penalty for a violation of s. 501.160, F.S.; amending ss. 817.7005, 817.701, 817.702, 817.703, F.S.; prohibiting credit service organizations from accepting money in advance of performing services; revising requirements for surety bonds; conforming other provisions to this prohibition; providing an effective date.

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

CS for SB 1468—A bill to be entitled An act relating to the Florida Forever program; amending s. 259.105, F.S.; revising goals and performance measures for Florida Forever projects of the Department of Environmental Protection and water management districts; amending s. 253.034, F.S.; providing a definition for the term "conservation lands"; providing for the disposition of conservation lands in certain circumstances; revising appraisal requirements; providing for the deposit of funds received from the sale of surplus nonconservation lands into the Internal Improvement Trust Fund; providing that the management of certain lands is not subject to review by the Acquisition and Restoration Council; amending s. 253.82, F.S.; revising conditions under which lands to which title is vested in the Board of Trustees of the Internal Improvement Fund may be declared surplus lands; revising appraisal requirements; providing rulemaking authority; amending s. 253.111, F.S.; providing that certain state lands are exempt from notice requirements prior to sale; amending s. 253.115, F.S.; revising exemptions to notice and publication requirements for certain leases, subleases, or easements; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Dawson—

CS for SB 1476—A bill to be entitled An act relating to the Florida Kidcare Act; amending ss. 409.811, 409.8132, 409.814, 409.818, 409.904, 624.91, F.S.; defining the term “Florida Kidcare program”; deleting certain limitations on enrolling in the Medikids program; revising criteria for Kidcare program components; extending the period that a child is eligible for coverage without a redetermination of eligibility; deleting obsolete provisions; providing for state funding of the Kidcare program; requiring uniform and joint administration of Kidcare program implementation; requiring joint development of a plan for Kidcare eligibility determinations and plan implementation by a date certain; creating s. 409.81753, F.S.; providing for Kidcare program providers; requiring the Department of Health to develop and implement uniform provider standards for Kidcare components; providing an effective date.

By the Committees on Finance and Taxation; Commerce and Economic Opportunities; Banking and Insurance; and Senators Constantine and Campbell—

CS for CS for CS for SB's 1526 and 314—A bill to be entitled An act relating to the Money Transmitter's Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; amending s. 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.204, F.S.; clarifying exemption from registration fees under part III of ch. 560, F.S.; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer's check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Saunders—

CS for SB 1558—A bill to be entitled An act relating to health care practitioner regulation; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; requiring the Department of Health to reimburse the Agency for Health Care Administration for certain costs; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing-education tracking system;

amending ss. 457.107, 483.807, F.S.; conforming provisions relating to fees; repealing s. 458.31151, F.S., relating to development of the examination for foreign-trained physicians and the fees therefor; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination-item banks with certain entities; providing for review of questions by legal counsel under certain circumstances; providing for electronic administration of examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.073, F.S.; prohibiting a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for publication of information; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising provisions governing and providing for disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 459.0085, 459.015, 460.413, 461.013, 462.14, 463.016, 464.018, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, 491.009, F.S.; conforming provisions relating to disciplinary actions; repealing s. 483.827, F.S., relating to administrative penalties applicable to clinical laboratory personnel; amending s. 456.074, F.S.; providing for immediate suspension of licenses for violations relating to fraudulent practices; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; providing effective dates.

By the Committee on Finance and Taxation; and Senator Carlton—

CS for SB 1576—A bill to be entitled An act relating to ad valorem tax administration; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; amending s. 195.096, F.S., effective for the 2003 tax rolls and subsequent tax rolls; requiring the Department of Revenue to study assessment groups or market areas to assure the representativeness of ratio-study samples; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title abstract company to provide information concerning property described in a tax certificate; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of any fee paid for this information must be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S.; changing the presentation of independent special districts' debt-service levies on notices of proposed property taxes; amending s. 193.155, F.S.; revising provisions governing assessment of homestead property; amending s. 197.343, F.S.; changing the date for an additional tax notice; amending s. 193.461, F.S.; adding boarding of livestock to the list of agricultural purposes; creating the Property Tax Administration Task Force; providing purposes and membership of the task force; requiring periodic reports to the Department of Revenue; providing an effective date.

By the Committee on Finance and Taxation; and Senator Carlton—

CS for SB 1638—A bill to be entitled An act relating to sales and use tax administration; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under

the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state's system into compliance with the Streamlined Sales and Use Tax Agreement; providing an effective date.

By the Committee on Judiciary; and Senator Burt—

CS for SB 1744—A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without notice as defined in s. 678.1051, F.S.; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.; conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a "Notice to Defendant"; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset; providing an effective date.

By the Committee on Judiciary; and Senator Burt—

CS for SB 1814—A bill to be entitled An act relating to the state court system; providing legislative intent with respect to the development of treatment-based drug courts; requiring each judicial circuit to establish one or more treatment-based drug courts within any of the divisions of the circuit; specifying the principles of therapeutic jurisprudence to be included in the drug court programs; establishing the position of drug court coordinator within each judicial circuit; providing duties of the coordinator; authorizing the drug courts to include certain pretrial intervention programs in the court's program; creating the Florida Association of Drug Court Professionals; providing for membership; requiring that the chairperson of the association provide recommendations to the Supreme Court Treatment-Based Drug Court Steering Committee; amending s. 910.035, F.S.; providing for a defendant to be transferred to a drug-treatment program in another county; providing criteria for such transfer; providing for the defendant to be prosecuted upon failure to successfully complete the drug-treatment program; amending s. 948.08, F.S.; providing for persons charged with certain offenses involving controlled substances who have not been charged with a crime involving violence to be admitted to a pretrial intervention program; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; creating s. 948.16, F.S.; providing a pretrial substance abuse treatment and intervention program; providing criteria for admission to the program; providing for denial of such admission if the defendant was involved in the dealing or selling of controlled substances; requiring the court to determine whether the defendant has successfully completed the program; providing contract requirements for entities that provide pretrial substance abuse treatment and intervention programs; providing an effective date.

By the Committee on Finance and Taxation; and Senator Carlton—

CS for SB 1872—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing an effective date.

By the Committee on Health, Aging and Long-Term Care; and Senator Garcia—

CS for SB 1910—A bill to be entitled An act relating to medical practice; creating s. 456.0375, F.S.; defining the term "clinic"; imposing registration requirements for certain clinics; providing for medical directors; providing for enforcement; providing penalties; providing an effective date.

By the Committee on Transportation; and Senator Burt—

CS for SB 2044—A bill to be entitled An act relating to motor vehicles, vessels, and mobile homes; amending s. 320.03, F.S.; prohibiting the issuance of license plates or revalidation stickers to persons against whom a wrecker operator's lien has been filed; amending s. 713.78, F.S.; revising requirements for the sale of an unclaimed vehicle or vessel; providing procedures for wrecker operators to notify the department of the existence of a wrecker operator's lien and providing procedures for the discharge of such liens; providing for fees and service charges; requiring the department to maintain a list of persons against whom such liens are filed and prohibiting the issuance of license plates or revalidation stickers to such persons; providing guidelines and providing for the adoption of rules; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Peaden—

CS for SB 2062—A bill to be entitled An act relating to local government regulation of water or wastewater utilities; amending s. 367.171, F.S.; providing for regulation of certain utilities by certain counties; prohibiting exercise of eminent domain by certain governmental entities under certain circumstances; providing an effective date.

By the Committee on Regulated Industries; and Senators King and Smith—

CS for SB 2066—A bill to be entitled An act relating to athlete agents; amending s. 468.452, F.S.; revising definitions; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4563, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents; repealing s. 468.4564, relating to license display requirements; providing an effective date

By the Committee on Regulated Industries; and Senator Sullivan—

CS for SB 2096—A bill to be entitled An act relating to public accountability; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees whose licenses have become void; providing an effective date.

By the Committee on Natural Resources; and Senator Garcia—

CS for SB 2120—A bill to be entitled An act relating to water resources; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks; creating s. 373.610, F.S.; allowing water management districts to bar from future contracts contractors who have defaulted in the past; creating s. 373.611, F.S.; authorizing water management districts to limit or alter damages in certain vendor contracts; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Garcia—

CS for SB 2124—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

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

CS for SB 2178—A bill to be entitled An act relating to public meetings and public records; creating s. 414.295, F.S.; providing an exemption from public meetings requirements for any staff meeting, or portion thereof, of the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., The Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board, or their contract service providers, at which certain identifying information regarding temporary assistance programs, which is restricted pursuant to requirements of federal law, is discussed; providing an exemption from public records requirements for certain identifying information in such entities' records of such programs; defining the term "temporary assistance"; authorizing release of confidential information for specified purposes; providing a prohibition; providing procedures for release of information under specified circumstances; providing a finding of public necessity; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Posey and Klein—

CS for SB 2220—A bill to be entitled An act relating to governmental data processing; creating s. 119.084, F.S.; providing definitions; authorizing governmental agencies to acquire, hold, and enforce copyrights for data processing software they create; authorizing sale or license of such software; authorizing establishment of sales price and licensing fee; providing requirements for electronic recordkeeping systems; providing for access to public records maintained in electronic recordkeeping systems; providing for fees to be charged for copying public records maintained in electronic recordkeeping systems; prohibiting contracts for public records databases that impair public access to public records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 1707, HB 1731, HB 1733, HB 1735, HB 1737, HB 1743, HB 1745; has passed as amended HB 1717, HB 1749, HB 1821, HB 1825 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Fiscal Responsibility Council; and Representative Dockery—

HB 1707—A bill to be entitled An act relating to energy management; amending s. 255.257, F.S.; removing provisions which direct the Department of Management Services to provide for an energy management plan for state agencies, and which require state agencies to submit certain energy data to the department; providing that the department may develop such a plan; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1731—A bill to be entitled An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

—was referred to the Committees on Criminal Justice; Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1733—A bill to be entitled An act relating to the Department of Transportation; amending s. 341.302, F.S.; deleting provisions relating to the department's responsibility for the handling of hazardous materials under the statewide rail program; providing an effective date.

—was referred to the Committee on Transportation.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1735—A bill to be entitled An act relating to economic development; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; providing an application deadline; revising provisions relating to the order authorizing a tax refund; specifying that nothing in said section creates a presumption that a claim will be approved and paid; providing applicability to tax refund agreements and claims for refund executed prior to the effective date of the act; revising the agencies with which the office may verify information and to which the office may provide information; amending s. 288.980, F.S.; providing that grants by the office to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1737—A bill to be entitled An act relating to growth management; amending s. 163.3184, F.S.; clarifying language; providing for compila-

tion and transmittal by a local government of a list of persons who will receive an informational statement concerning the state land planning agency's notice of intent to find a comprehensive plan or plan amendment in compliance or not in compliance; providing for rules; revising requirements relating to publication by the agency of its notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; correcting a reference; providing an effective date.

—was referred to the Committee on Comprehensive Planning, Local and Military Affairs.

By the Fiscal Responsibility Council; and Representative Ball—

HB 1743—A bill to be entitled An act relating to the elimination of the Juvenile Justice Advisory Board; repealing s. 985.401, F.S., which created the Juvenile Justice Advisory Board; amending ss. 20.316, 216.136, 985.227, 985.315, 985.317, and 985.404, F.S., to remove references to the Juvenile Justice Advisory Board; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1745—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.021, F.S.; revising definitions; amending s. 367.022, F.S.; revising an exemption from regulation for small water and wastewater utilities; amending ss. 367.045 and 367.111, F.S.; deleting requirement for descriptions of service areas in water and wastewater utility certificates of authorization; deleting requirements relating to application for amended certificates of authorization to reduce or extend a utility's existing service area; amending s. 367.121, F.S.; providing authority of the Public Service Commission to resolve territorial disputes involving water and wastewater utilities; providing considerations; amending s. 367.171, F.S.; authorizing counties to set rates and charges for certain exempt small water and wastewater utilities; providing applicability of specified administrative procedures; amending s. 288.0655, F.S.; correcting a cross reference; providing an effective date.

—was referred to the Committees on Regulated Industries; and Comprehensive Planning, Local and Military Affairs.

By the Fiscal Responsibility Council; and Representative Dockery—

HB 1717—A bill to be entitled An act relating to the Division of Dairy Industry of the Department of Agriculture and Consumer Services; eliminating the Division of Dairy Industry; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry; amending ss. 20.14, 570.18, and 570.29, F.S., to conform; amending s. 570.50, F.S.; including the powers and duties of the Division of Dairy Industry within the powers and duties assigned to the Division of Food Safety of the Department of Agriculture and Consumer Services; amending s. 570.51, F.S., renaming the Division of Food Safety to the Division of Dairy and Food Safety; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Governmental Oversight and Productivity.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1749—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of officers, compensation of board members, the executive director, and employees, and

financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board's annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Governmental Oversight and Productivity.

By the Fiscal Responsibility Council; and Representative Murman and others—

HB 1821—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Dockery—

HB 1825—A bill to be entitled An act relating to Class C travel; amending s. 112.061, F.S.; eliminating allowances for meals for Class C travel; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 11 was corrected and approved.

CO-SPONSORS

Senators Crist—CS for SB 1666; Smith—SB 2066

RECESS

On motion by Senator Lee, the Senate recessed at 11:58 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 12:30 p.m., Wednesday, April 18 or upon call of the President.