



Journal of the Senate

Number 16—Regular Session

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CALL TO ORDER

The Senate was called to order by President McKay at 12:30 p.m. A quorum present—40:

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

PRAYER

The following prayer was offered by Pastor Eric H. Jones, Jr., Koinonia Worship Center, West Hollywood:

Most gracious and everlasting Father, our omnipotent God, we acknowledge today your sovereignty. Father, we accept the fact that the governments that be are ordained by you and that you, God, hold the heart of the King in your hand. Today we humbly submit ourselves to you as we approach your throne. We ask these requests, Father, that you give wisdom to these decision makers of our state; that you empower our country through these leaders to fight for peace and justice for all.

We ask this special prayer for Mrs. Aileen Pruitt and Miss L Jean Miller that you would be a blessing; that you would be a healing factor and, Father, overall that you would let everything go well and those things necessary to come forth and we will be mindful to give you the praise. In his name we pray. Amen.

PLEDGE

Senate Pages Scott Morris of Fort Myers, Jennifer Maurer of Fort Lauderdale and Sharita Spradley of Havana, 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. Alexandra Kostick as doctor of the day. Dr. Kostick specializes in Ophthalmology.

ADOPTION OF RESOLUTIONS

On motion by Senator Smith—

By Senator Smith—

SR 2230—A resolution honoring and expressing condolences upon the death of Officer Scott M. Baird of the Gainesville Police Department.

WHEREAS, Officer Scott M. Baird of the Gainesville Police Department was killed in the line of duty after being struck by a vehicle while attempting to remove an obstruction that had been left in a roadway as a prank on February 12, 2001, and

WHEREAS, Officer Scott M. Baird was 23 years old and a 1-year veteran of the Gainesville Police Department at the time of his untimely death, and

WHEREAS, Officer Scott M. Baird in his short lifetime was living his dream of having a career in law enforcement and in doing so touched the lives of everyone with whom he came in contact, and

WHEREAS, Officer Scott M. Baird made the ultimate sacrifice to ensure the safety of the public, and

WHEREAS, Officer Scott M. Baird's death should serve as a reminder of the tragic consequences that can result from unthinking actions that endanger innocent other persons, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to Officer Scott M. Baird and that the Florida Senate in session assembled does hereby record this testimonial of condolences and bereavement:

IN MEMORIAM
SCOTT M. BAIRD

Scott M. Baird was born in West Palm Beach and raised in Ocala, Florida, was educated in the public school system, attended Santa Fe Community College and the University of Florida, and served the public as a police officer with the Gainesville, Florida Police Department. His untimely death prevented him from fulfilling his lifelong dream of becoming an agent with the Federal Bureau of Investigation. He is survived by his father, Walter Baird, III, of Orlando, Florida; his mother, Mrs. Kelly Gaudet, of Bellview, Florida; a brother, Walter Baird, IV, of Ocala, Florida; and a sister, Krista Baird, of Bellview, Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Florida Senate affixed, be transmitted to Walter Baird, III, and Mrs. Kelly Gaudet, the parents of Scott M. Baird, as a tangible and lasting symbol of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Smith, **SR 2230** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Smith introduced the following guests who were present in the gallery: Walter Baird, Officer Baird's father; Kelly Gaudet, his

mother; other family members; Chief Norman Botsford, Gainesville Police Department; Jeff McAdams, local Police Benevolent Association representative; and members of the Gainesville Police Department.

On motion by Senator Smith—

By Senator Smith—

SR 2288—A resolution recognizing the 25th anniversary of the College of Veterinary Medicine of the University of Florida.

WHEREAS, the College of Veterinary Medicine of the University of Florida has graduated more than 1,700 veterinarians since its establishment in 1976, and

WHEREAS, the faculty and alumni have discovered many ways to improve human and animal medicine, the environment, food production, and public health, and

WHEREAS, the College of Veterinary Medicine, through its Veterinary Medical Teaching Hospital and its diagnostic services, extensive research programs, and continuing education programs, provides practical research for animal and agricultural industries, and

WHEREAS, the graduates of the College of Veterinary Medicine provide comprehensive veterinary care, including preventative medicine, diagnoses, and the appropriate use of drugs and surgery to the state's animal populations, NOW, THEREFORE,

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

That the Florida Senate commends the College of Veterinary Medicine of the University of Florida on its 25th anniversary and for its contributions to the health and welfare of the state's animal populations.

—was introduced out of order and read by title. On motion by Senator Smith, **SR 2288** was read the second time in full and adopted.

On motion by Senator Dawson—

By Senator Dawson—

SR 2280—A resolution recognizing June 2001 as Scleroderma Awareness Month.

WHEREAS, the health of the residents in our communities is the foundation for a caring and productive society, and

WHEREAS, our future depends, in great measure, upon our ability to find cures for and adequately treat individuals who are afflicted with a variety of illnesses, and

WHEREAS, hundreds of thousands of Americans are afflicted with scleroderma, a disfiguring and debilitating connective-tissue disorder that affects the vascular and immune systems, resulting in a hardening of the skin and organs, and

WHEREAS, this painful condition can strike at any age, regardless of gender or ethnicity, although women between the ages of 25 and 55 are more likely to be afflicted than are men, and

WHEREAS, the noble work of the Scleroderma Foundation has provided us all with hope that some day this disease will be eradicated and that the foundation's efforts to educate and comfort those touched by scleroderma will be justly rewarded with a cure, NOW, THEREFORE,

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

That in order to provide an opportunity to educate the public about this often life-threatening disease and the more than 700,000 Americans who suffer from it, the Florida Senate recognizes the month of June 2001 to be Scleroderma Awareness Month.

—was introduced out of order and read by title. On motion by Senator Dawson, **SR 2280** was read the second time in full and adopted.

On motion by Senator Laurent—

By Senators Laurent, Campbell, Smith, Wasserman Schultz and Dyer—

SR 2330—A resolution expressing sorrow at the death of the Honorable Stephen C. O'Connell.

WHEREAS, the Florida Senate, with deep regret, was informed of the death of Stephen C. O'Connell, and

WHEREAS, Stephen C. O'Connell was a lawyer, banker, rancher, Supreme Court Justice, university president, athlete, Gator, father, husband, and friend, and

WHEREAS, Stephen C. O'Connell honorably served his nation, rising to the rank of Major during World War II, and

WHEREAS, Stephen C. O'Connell served his state as a Justice on the Florida Supreme Court from 1955 to 1967, as President of the University of Florida from 1967 to 1973, and was the only person to serve both as Chief Justice of the Florida Supreme Court and President of the University of Florida, and

WHEREAS, Stephen C. O'Connell exemplified the description of "scholar and gentleman," NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to the Honorable Stephen C. O'Connell and that the Florida Senate in session assembled does hereby record this testimonial of esteem and bereavement:

IN MEMORIAM
STEPHEN C. O'CONNELL

Stephen C. O'Connell was born in West Palm Beach, Florida, on January 22, 1916. He attended the University of Florida, where he was president of the student body and captain of the boxing team. He served in the Army Air Corps in World War II, rising to the rank of Major. He returned to Ft. Lauderdale where he practiced law until he was appointed to the Florida Supreme Court in 1955. He served on the Supreme Court until 1967, serving as Chief Justice his final year. He left the court to accept the position of President of the University of Florida, serving from 1967 to 1973, during which time he guided the university through a turbulent period of campus unrest with the straight talk, old-world manners, impish humor, integrity, and determination to do the right thing -- qualities with which he was identified throughout his life.

Upon leaving the University of Florida in 1973, he returned to Tallahassee, where he embarked upon several successful enterprises and lived until his death on April 13, 2001.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Florida Senate affixed, be transmitted to Mrs. Cindy Bowling O'Connell, widow of Stephen C. O'Connell, as a tangible token of the sentiments expressed by the Florida Senate and as a lasting symbol of the respect held by the members of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Laurent, **SR 2330** was read the second time in full and adopted.

On motion by Senator Laurent—

By Senators Laurent, Campbell, Wasserman Schultz, Smith and Dyer—

SR 2316—A resolution celebrating April 18, 2001, as "University of Florida Day."

WHEREAS, the state's oldest land-grant university and its largest university, the University of Florida was the first Florida institution to achieve university status, is the most comprehensive university in the state, and is one of the three most academically diverse universities in the nation, and

WHEREAS, the University of Florida is the state's only member of the Association of American Universities, is the only university with exten-

sion programs in every county of the state plus the Seminole Tribe, has awarded more than 300,000 degrees, with an estimated 150,000 alumni currently living and working in Florida, and is exceeded by only two other public universities in the nation in the number of National Merit Scholars to its credit, and

WHEREAS, the University of Florida's Health Science Center is the most all-inclusive academic health center in the Southeast, and, through its Institute of Food and Agricultural Sciences, the university reaches a million and a half participants throughout the state, thanks to more than 50,000 volunteers in the areas of urban horticulture, youth and family development, nutrition education, and natural resources enhancement, and

WHEREAS, the University of Florida has just concluded a five-year "It's Performance that Counts" campaign that raised more than \$850 million toward the furtherance of academic excellence, has been awarded \$339 million in funding for sponsored research, and has a total annual impact on the state of almost \$3.2 billion, more than six times the \$511 million comprising the state's investment in the university, NOW THEREFORE,

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

That the Florida Senate pauses in its deliberations to recognize the University of Florida for its superlative accomplishments in the State of Florida and to celebrate April 18, 2001, as "University of Florida Day."

—was introduced out of order and read by title. On motion by Senator Laurent, **SR 2316** was read the second time in full and adopted.

On motion by Senator Clary—

By Senator Clary—

SR 2322—A resolution recognizing April 18, 2001, as "Florida's Great Northwest Day" in Tallahassee.

WHEREAS, Florida's extreme western tip was the location of North America's first European settlement, with Spanish colonists arriving in 1559, and

WHEREAS, Florida's Great Northwest is home to Port St. Joe, Florida's first Constitution Convention site, and

WHEREAS, Florida's Great Northwest encompasses sixteen counties across the Florida Panhandle, and over 13,000 square miles of beautiful coastline, winding rivers, vast tracts of forested land, and more than 100 freshwater springs, and

WHEREAS, Florida's Great Northwest is home to the largest military landmass training installation in the world, Eglin Air Force Base, and

WHEREAS, Florida's Great Northwest is home to Hurlburt Field, home of the 16th Special Operations Wing, which is the oldest and largest and most seasoned unit in the Air Force Special Operations Command, and

WHEREAS, Florida's Great Northwest is home to the Pensacola Naval Air Station, home of the Blue Angels, and

WHEREAS, Florida's Great Northwest is home to the Tyndall Air Force Base, home of the 325th Fighter Wing, and

WHEREAS, Florida's Great Northwest is home to many other military installations, including Duke Field, Whiting Field, Coastal System Station, and the United States Coast Guard, and

WHEREAS, Florida's Great Northwest is world-famous for its emerald green waters, natural reefs, and beautiful white sands, and

WHEREAS, Florida's Great Northwest is one of the nation's most recognized fishing destinations, including the "World's Luckiest Fishing Village" in Destin, and

WHEREAS, Florida's Great Northwest is home to Apalachicola Bay, one of the most productive bays in the country, and

WHEREAS, Florida's Great Northwest is home to the invention of air conditioning in Franklin County nearly 150 years ago by Dr. John Gorrie, and

WHEREAS, Florida's Great Northwest is the home of Milton, which is considered by the Florida Legislature to be Florida's Canoe Capitol, and

WHEREAS, Florida's Capital City, Tallahassee, is located in the Great Northwest, among a mix of historical and natural attractions, and

WHEREAS, Florida's Great Northwest is known for Southern hospitality, gracious folks, and quaint towns, and

WHEREAS, Florida's Great Northwest offers exciting events from wine festivals to seafood extravaganzas to ethnic heritage happenings, NOW, THEREFORE,

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

That the Florida Senate recognizes April 18, 2001, as "Florida's Great Northwest Day" in Tallahassee.

—was introduced out of order and read by title. On motion by Senator Clary, **SR 2322** was read the second time in full and adopted.

On motion by Senator Villalobos—

By Senator Villalobos—

SR 2324—A resolution commemorating the 40th anniversary of the Bay of Pigs invasion, on April 17, 2001.

WHEREAS, on January 1, 1959, a Communist dictator took over the government of the Republic of Cuba, and

WHEREAS, there began immediately afterward a massive exodus of Cuban nationals, most of whom came to the United States, and

WHEREAS, men and women of American and Cuban origin decided that the only way to overthrow the Communist dictatorship subjugating the people of Cuba was through an armed invasion, and

WHEREAS, on April 17, 1961, almost fifteen hundred men, trained, directed, armed, and equipped by the United States, landed on the southern coast of Cuba in an area known as "Bahia de Cochinos" (Bay of Pigs), and

WHEREAS, for the next few days, these men fought against an army immensely superior in manpower, firepower, and supplies, and

WHEREAS, in the course of battle, almost one hundred men died, including several who were captured and immediately assassinated by the forces of the Cuban dictator, and

WHEREAS, almost all of the remaining forces were captured and imprisoned for almost eighteen months, and

WHEREAS, these men were subsequently ransomed by President John F. Kennedy, returned to the United States, and became productive members of our society without ever forgetting their native country, Cuba, and

WHEREAS, on April 17, 2001, the 40th anniversary of the Bay of Pigs invasion will be commemorated, NOW, THEREFORE,

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

That the Florida Senate honors and extends its congratulations to Brigada de Asalto 2506 (Assault Brigade 2506) and to all its members living and deceased.

BE IT FURTHER RESOLVED that the Florida Senate expresses its desire for the prompt liberation of the Republic of Cuba from the Communist dictatorship that oppresses all its people.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Brigada de Asalto 2506 as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Villalobos, **SR 2324** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Villalobos introduced the following guests who were present in the chamber: former Senator Javier Souto; Rolando Rodriguez, Representative Annie Betancourt's husband; Miquel Diaz, father of Senator Alex Diaz de la Portilla and Representative Renier Diaz de la Portilla; former Representatives Humberto Cortina and former Speaker Pro Tempore Luis Morse.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 200**, **CS for SB 772**, **CS for SB 840**, **CS for SB 1120** and **CS for SB 2060** were withdrawn from the Committee on Rules and Calendar; **CS for SB 260**, **CS for SB 444**, **SB 698**, **SB 1170** and **SB 1430** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 316**, **SB 344**, **CS for SB 718**, **CS for CS for SB 784**, **CS for SB 1012**, **CS for SB 1172**, **CS for SB 1234**, **CS for SB 1368**, **SB 1380** and **CS for SB 2024** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **SB 1002** was withdrawn from the Committee on Governmental Oversight and Productivity; **SB 1324** and **SB 1648** were withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for CS for SB's 1526 and 314** was withdrawn from the Committees on Appropriations Subcommittee on General Government; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations; and Rules and Calendar; **CS for SB 1726** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar; **CS for SB's 1864 and 2086** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Appropriations Subcommittee on Health and Human Services; and **SB 1916** and **CS for SB 2118** were withdrawn from the Committee on Criminal Justice.

On motion by Senator Lee, by two-thirds vote **CS for SB 1772** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar; and referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; **SB 2158** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; and referred to the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **HB 1727** was withdrawn from the Committees on Health, Aging and Long-Term Care; and Governmental Oversight and Productivity; **HB 1741** was withdrawn from the Committee on Children and Families; and **CS for SB 2014** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; and referred to the Committees on Regulated Industries; Appropriations Subcommittee on General Government; and Appropriations.

MOTIONS

On motion by Senator Lee, a deadline of 6:00 p.m. this day was set for filing amendments to Bills on Third Reading and the Special Order Calendar to be considered Thursday, April 19.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, by two-thirds vote **CS for SB 118** and **CS for SB 1684** which have been reported favorably by the Appropriations Subcommittee on Education with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for CS for SB 306** and **CS for CS for SB 366** which have been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary with committee substitutes, were withdrawn from the Committee on Appropriations and the committee substitutes recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SB 350** 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; **SB 674** which has been reported favorably by the Appropriations Subcommittee on General Government was withdrawn from the Committee on Appropriations; **CS for CS for SB 858** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations; **CS for SB 986** and **SB 1162** which have been reported favorably by the Appropriations Subcommittee on Education were withdrawn from the Committee on Appropriations; **SB 1230** and **CS for SB 1306** which have been reported favorably by the Appropriations Subcommittee on Health and Human Services were withdrawn from the Committee on Appropriations; and **SB 1278** 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

By permission, Senator Meek withdrew the motion made on April 12 to spread the remarks on the Journal which were made during debate on **CS for HB 271**.

BILLS ON THIRD READING

SENATOR LATVALA PRESIDING

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 a representative 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.

—as amended April 12 was read the third time by title.

On motion by Senator Crist, **SB 814** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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	
Dawson	Laurent	Sanderson	

Nays—None

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; amending s. 655.82, F.S.; prescribing survivorship rights among beneficiaries of pay-on-death accounts; providing effective dates.

—as amended April 12 was read the third time by title.

On motion by Senator King, **CS for SB 1260** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: 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, Dawson, Laurent, Sanderson

Nays—None

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 third time by title.

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

Amendment 1 (915146)(with title amendment)—On page 1, between lines 23 and 24, insert:

Section 2. Subsection (3) of section 456.031, Florida Statutes, is amended to read:

456.031 Requirement for instruction on domestic violence.—

(3) (a) In lieu of completing a course as required in subsection (1), a licensee or certificateholder may complete a course in end-of-life care and palliative health care, if the licensee or certificateholder has completed an approved domestic violence course in the immediately preceding biennium.

(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466, who has completed an approved domestic-violence education course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.

Section 3. Subsection (9) of section 456.033, Florida Statutes, is amended to read:

456.033 Requirement for instruction for certain licensees on human immunodeficiency virus and acquired immune deficiency syndrome.—

(9) (a) In lieu of completing a course as required in subsection (1), the licensee may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved AIDS/HIV course in the immediately preceding biennium.

(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved AIDS/HIV course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses;

On motion by Senator Carlton, **CS for SB 992** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Bronson, Diaz de la Portilla, Laurent, Sanderson, Brown-Waite, Dyer, Lawson, Saunders, Burt, Garcia, Lee, Sebesta, Campbell, Geller, Meek, Silver, Carlton, Holzendorf, Miller, Smith, Clary, Horne, Mitchell, Sullivan, Constantine, Jones, Peaden, Villalobos, Cowin, King, Posey, Wasserman Schultz, Crist, Klein, Pruitt, Webster, Dawson, Latvala, Rossin

Nays—None

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 an 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 Calhoun 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 Okaloosa 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; providing for designation of a specified area within Hillsborough County as an enterprise zone; 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; authorizing a boundary change in a specified enterprise zone; providing an effective date.

—as amended April 12 was read the third time by title.

On motion by Senator Brown-Waite, **CS for CS for SB 158** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Bronson, Clary, Diaz de la Portilla, Horne, Brown-Waite, Constantine, Dyer, Jones, Burt, Cowin, Garcia, King, Campbell, Crist, Geller, Klein, Carlton, Dawson, Holzendorf, Latvala

Laurent	Mitchell	Sanderson	Sullivan
Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	Webster
Miller	Rossin	Smith	

Nays—None

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 an effective date.

—as amended April 12 was read the third time by title.

On motion by Senator Burt, **SB 850** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 338—A bill to be entitled An act relating to criminal justice; providing a short title; 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 an 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 an officer with violence to the 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 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.

—as amended April 12 was read the third time by title.

On motion by Senator Campbell, **SB 338** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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	
Dawson	Laurent	Sanderson	

Nays—None

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; amending s. 28.101, F.S.; increasing an additional charge on a dissolution of marriage petition to \$36; providing an effective date.

—as amended April 12 was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB 248** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 third time by title.

On motion by Senator Jones, **CS for SB 424** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 third time by title.

On motion by Senator Constantine, **SB 1516** was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Crist	King	Mitchell
Brown-Waite	Dawson	Klein	Peaden
Burt	Diaz de la Portilla	Latvala	Posey
Campbell	Dyer	Laurent	Pruitt
Carlton	Garcia	Lawson	Rossin
Clary	Geller	Lee	Saunders
Constantine	Holzendorf	Meek	Sebesta
Cowin	Horne	Miller	Silver

Smith Villalobos Wasserman Schultz Webster
Sullivan

Nays—None

Vote after roll call:

Yea—Sanderson

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 third time by title.

On motion by Senator Saunders, **CS for SB 688** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 782—A bill to be entitled An act relating to nursing education; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, 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.

—as amended April 12 was read the third time by title.

Senator Cowin moved the following amendment:

Amendment 1 (852120)(with title amendment)—On page 1, line 13, insert:

Section 1. (1) *The Legislature shall appropriate in the General Appropriations Act up to \$1 million from the General Revenue Fund to the Department of Health. Moneys in this appropriation shall be used by that department to make grants to local hospitals for nurse recruitment and retention activities during the 2001-2002 fiscal year. These moneys are subject to a one-for-one match from sources other than the government of this state or one of its political subdivisions. Moneys not matched by September 30, 2001, revert to the General Revenue Fund.*

(2) *The Department of Health shall accept requests for grants under this act beginning July 1, 2001. The department shall determine grant amounts beginning October 1, 2001, once the amount of the appropriation in subsection (1) which has been matched by additional moneys is determined and the department can determine the amount of grant moneys available.*

(3) *The department shall by rule adopt criteria for grant awards. In addition to other criteria, the department shall require that a hospital have experienced an average vacancy rate among nursing positions during the preceding 12 months of 10 percent or more. If the amount available for distribution is less than the aggregate amount of requests that meet the department’s criteria, the department shall make grants pro rata.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to nurses; providing for an appropriation to the Department of Health; requiring private match of appropriated funds; providing for grants to hospitals for nurse recruitment and retention; providing for rules; providing eligibility criteria; amending

Senator Cowin moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (931190)—On page 1, lines 17-19, delete those lines and insert:

Section 1. (1) *Contingent upon a specific appropriation in the General Appropriations Act, moneys shall be allocated for a nurse recruitment and retention grant program in the Department of Health. Moneys in*

Amendment 1 as amended failed to receive the required two-thirds vote.

On motion by Senator Sanderson, **SB 782** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Dawson

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

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 400** was deferred.

On motion by Senator Clary—

SB 462—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against the district’s nonexempt assessed property value; specifying funding eligibility of certain projects; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 462** to **CS for HB 1**.

Pending further consideration of **SB 462** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 1** was withdrawn from the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

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

CS for HB 1—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the

maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing for future repeal of such eligibility provision; providing an effective date.

—a companion measure, was substituted for **SB 462** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

SB 1166—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include any investment-quality financial instruments; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Sebesta and failed:

Amendment 1 (885820)—On page 1, line 22, before “investment-quality” insert: *investment-grade investment quality*

Senator Sebesta moved the following amendment which was adopted:

Amendment 2 (353184)—On page 1, line 22, after “instruments” insert: *of the types set forth in rules promulgated by the State Board of Administration*

Pursuant to Rule 4.19, **SB 1166** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1210** was deferred.

On motion by Senator Posey, the Senate resumed consideration of—

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.

—which was previously considered April 12. Pending **Amendment 1 (484182)** by Senator Posey was withdrawn.

Pursuant to Rule 4.19, **SB 532** placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 540—A bill to be entitled An act relating to criminal activities; creating the White-Collar-Crime Victim Protection Act; providing legislative intent; providing definitions; specifying crimes and acts that constitute a white-collar crime; providing that a person commits an aggravated white-collar crime if the white-collar crime is committed against certain persons or against a state agency or political subdivision; providing enhanced penalties for aggravated white-collar crimes; requiring that a defendant convicted of an aggravated white-collar crime pay court costs and restitution; requiring that payment of restitution be a condition of probation; amending s. 910.15, F.S.; providing that a communication made by or through the use of the Internet was made in every county of the state for purposes of prosecuting certain fraudulent practices; providing for severability; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (852020)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 775.0844, Florida Statutes, is created to read:

775.0844 White Collar Crime Victim Protection Act.—

(1) *This section may be cited as the “White Collar Crime Victim Protection Act.”*

(2) *Due to the frequency with which victims, particularly elderly victims, are deceived and cheated by criminals who commit nonviolent frauds and swindles, frequently through the use of the Internet and other electronic technology and frequently causing the loss of substantial amounts of property, it is the intent of the Legislature to enhance the sanctions imposed for nonviolent frauds and swindles, protect the public’s property, and assist in prosecuting white collar criminals.*

(3) *As used in this section, “white collar crime” means:*

(a) *The commission of, or a conspiracy to commit, any felony offense specified in:*

1. *Chapter 560, relating to the Money Transmitters’ Code.*

2. *Chapter 812, relating to theft, robbery, and related crimes.*

3. *Chapter 815, relating to computer-related crimes.*

4. *Chapter 817, relating to fraudulent practices.*

5. *Chapter 825, relating to abuse, neglect, and exploitation of elderly persons and disabled adults.*

6. *Chapter 831, relating to forgery and counterfeiting.*

7. *Chapter 832, relating to the issuance of worthless checks and drafts.*

8. *Chapter 838, relating to bribery and misuse of public office.*

9. *Chapter 839, relating to offenses by public officers and employees.*

10. *Chapter 895, relating to offenses concerning racketeering and illegal debts.*

11. *Chapter 896, relating to offenses related to financial transactions.*

(b) *A felony offense that is committed with intent to defraud or that involves a conspiracy to defraud.*

(c) *A felony offense that is committed with intent to temporarily or permanently deprive a person of his or her property or that involves a conspiracy to temporarily or permanently deprive a person of his or her property.*

(d) *A felony offense that involves or results in the commission of fraud or deceit upon a person or that involves a conspiracy to commit fraud or deceit upon a person.*

(4) *As used in this section, “aggravated white collar crime” means engaging in at least two white collar crimes that have the same or similar intents, results, accomplices, victims, or methods of commission, or that are otherwise interrelated by distinguishing characteristics and are not isolated incidents, provided that at least one of such crimes occurred after the effective date of this act.*

(5) *Any person who commits an aggravated white collar crime as defined in this section and in so doing either:*

(a) *Victimizes 10 or more elderly persons, as defined in s. 825.101(5);*

(b) *Victimizes 20 or more persons, as defined in s. 1.01; or*

(c) *Victimizes the State of Florida, any state agency, any of the state’s political subdivisions, or any agency of the state’s political subdivisions, and thereby obtains or attempts to obtain \$50,000 or more, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or 775.084.*

(6) *Notwithstanding any other provision of chapter 921 or any other law, an aggravated white collar crime shall be ranked within the offense severity ranking chart at offense severity level 9.*

(7) In addition to a sentence otherwise authorized by law, a person convicted of an aggravated white collar crime may pay a fine of \$500,000 or double the value of the pecuniary gain or loss, whichever is greater.

(8) A person convicted of an aggravated white collar crime under this section is liable for all court costs and shall pay restitution to each victim of the crime, regardless of whether the victim is named in the information or indictment. As used in this subsection, "victim" means a person directly and proximately harmed as a result of the commission of the offense for which restitution may be ordered, including any person directly harmed by the defendant's criminal conduct in the course of the commission of the aggravated white collar crime. The court shall hold a hearing to determine the identity of qualifying victims and shall order the defendant to pay restitution based on his or her ability to pay, in accordance with this section and s. 775.089.

(a) The court shall make the payment of restitution a condition of any probation granted to the defendant by the court. Notwithstanding any other law, the court may order continued probation for a defendant convicted under this section for up to 10 years or until full restitution is made to the victim, whichever occurs earlier.

(b) The court retains jurisdiction to enforce its order to pay fines or restitution. The court may initiate proceedings against a defendant for a violation of probation or for contempt of court if the defendant willfully fails to comply with a lawful order of the court.

Section 2. Section 910.15, Florida Statutes, is amended to read:

910.15 Theft and fraudulent practices concerning communication systems.—

(1) A person charged with committing:

(a) A fraudulent practice in a manner in which it may reasonably be assumed that a communication made to facilitate the fraudulent practice, solicitation or a false or misleading representation, could or would be disseminated across jurisdictional lines; or

(b) A theft involving the use of the mail, telephone, newspaper, radio, television, or other means of communication,

may be tried in the county in which the dissemination originated, in which the dissemination was made, or in which any the last act necessary to consummate the offense occurred.

(2) For purposes of this section, if a communication is made by or made available through the use of the Internet, the communication was made in every county within the state.

Section 3. Paragraph (i) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
		(i) LEVEL 9			
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.	893.135	1st	Attempted capital trafficking offense.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
755.0844	1st	Aggravated white collar crime.	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
			782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
			782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
			782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
			787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
			787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
			787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
			787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
			790.161	1st	Attempted capital destructive device offense.
			790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
			794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
			794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
			794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
			794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
			800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
			812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
			812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
			827.03(2)	1st	Aggravated child abuse.
			847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
			847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
			859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.

Florida Statute	Felony Degree	Description
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1)(i)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(j)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

Section 4. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 5. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal activities; creating the White Collar Crime Victim Protection Act; providing legislative intent; providing definitions; specifying crimes and acts that constitute a white collar crime; providing that a person commits an aggravated white collar crime if the white collar crime is committed against certain persons or against a state agency or political subdivision; providing enhanced penalties for aggravated white collar crimes; requiring that a defendant convicted of an aggravated white collar crime pay court costs and restitution; requiring that payment of restitution be a condition of probation; amending s. 910.15, F.S.; providing that a communication made by or through the use of the Internet was made in every county of the state for purposes of prosecuting certain fraudulent practices; amending s. 921.0022, F.S.; adding certain aggravated white collar crimes to the Criminal Punishment Code offense severity ranking chart; providing for severability; providing an effective date.

Pursuant to Rule 4.19, **SB 540** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Silver—

CS for SB 800—A bill to be entitled An act relating to the disposition of traffic fines; amending s. 318.21, F.S.; revising requirements for the use of funds collected from moving traffic violations; requiring that such funds be used to fund automation for law enforcement agencies in certain counties in which a municipality has been declared to be in a state of financial emergency; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 800** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for SB 866—A bill to be entitled An act relating to teacher and certain school administrator death benefits; creating the “Barry Grunow Act”; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers and school administrators; providing for payment of certain health insurance premiums; providing for

the waiver of certain educational expenses for children of certain deceased teachers and school administrators; providing for rules; amending s. 732.402, F.S.; providing that the teacher and school administrator death benefits are exempt property under the Florida Probate Code; providing for reimbursement of benefits previously paid; providing for funding; providing for retroactive application; providing an effective date.

—was read the second time by title.

Amendments were considered and failed to conform **CS for SB 866** to **CS for HB 279**.

Pending further consideration of **CS for SB 866**, on motion by Senator Laurent, by two-thirds vote **CS for HB 279** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Laurent—

CS for HB 279—A bill to be entitled An act relating to teacher and certain school administrator death benefits; creating the “Barry Grunow Act”; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers and school administrators; providing for payment of certain health insurance premiums; providing for the waiver of certain educational expenses for children of certain deceased teachers and school administrators; providing for rules; amending s. 732.402, F.S.; providing that the teacher and school administrator death benefits are exempt property under the Florida Probate Code; providing for reimbursement of benefits previously paid; providing for funding; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for SB 866** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 279** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 360—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; providing additional acts which constitute cruelty to an animal; provides that any person convicted of such a violation, where the court determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall, in addition to any other sentence imposed, be ordered to complete an anger management treatment program; providing a minimum mandatory fine and minimum mandatory period of incarceration for conviction of any crime where the court determines that the violation includes an intentional act of cruelty to animals; providing for nonapplicability of the act; providing construction; reenacting ss. 550.2415(6)(d), 828.122(5) and (6)(a), 828.17, 828.29(14), 943.051(3)(b)11., 985.212(1)(b)11., and 921.0022(3)(c), F.S., to incorporate the amendment to s. 828.12, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (472444)—On page 1, line 31, delete “*medical attention*,”

Pursuant to Rule 4.19, **CS for SB 360** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

SB 766—A bill to be entitled An act relating to driver’s licenses; amending s. 322.28, F.S.; revising provisions relating to the penalty for a second or subsequent conviction for operating a vehicle under the influence; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 766** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

SB 518—A bill to be entitled An act relating to obtaining property by false personation; amending s. 817.02, F.S.; providing that obtaining property by false personation is a second-degree felony; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1 (712912)(with title amendment)—On page 1, lines 18 and 19, delete those lines and insert: *commits theft, punishable as provided in s. 812.014 shall be punished as*

And the title is amended as follows:

On page 1, lines 4-6, delete those lines and insert: *providing that the offense of obtaining property by false personation is punishable as theft; providing an effective*

Pursuant to Rule 4.19, **SB 518** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 1198—A bill to be entitled An act relating to criminal offenses; creating s. 934.215, F.S.; providing that the use of a two-way communications device to facilitate or further the commission of a crime is a felony of the third degree; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; ranking the offense of unlawfully using a two-way communications device on the offense severity ranking chart; providing an effective date.

—was read the second time by title.

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

Amendment 1 (613936)(with title amendment)—On page 1, delete line 21 and insert: *of any felony offense commits a felony of the third degree, punishable*

And the title is amended as follows:

On page 1, delete line 5 and insert: *further the commission of any felony offense is a felony*

Pursuant to Rule 4.19, **SB 1198** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 2104—A bill to be entitled An act relating to hiring or leasing with intent to defraud; amending s. 812.155, F.S.; providing that the exclusion of property obtained under a rental-purchase agreement from criminal statutes relating to hiring or leasing with intent to defraud and similar offenses does not apply when the rental store retains title to the property through the period of the agreement; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1 (745660)—On page 1, line 26, delete “*property*” and insert: *personal property or equipment*

Pursuant to Rule 4.19, **SB 2104** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 1518—A bill to be entitled An act relating to transportation of prisoners; amending s. 944.17, F.S.; changing references from “sheriff” to “chief correctional officer”; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1518** was placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

CS for CS for SB 1258—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of the Department of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children’s behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children’s crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Mitchell and adopted:

Amendment 1 (984532)(with title amendment)—On page 25, between lines 27 and 28, insert a new section:

Section 10. *The sum of \$166,794 from the General Revenue Fund and \$85,924 from the Administrative Trust Fund is appropriated to the Department of Children and Family Services to implement the provisions of this act.*

(Redesignate subsequent section.)

And the title is amended as follows:

On page 3, line 3, after the semicolon (;) insert: *providing an appropriation;*

Pursuant to Rule 4.19, **CS for CS for SB 1258** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 452—A bill to be entitled An act relating to proceedings relating to children; amending the definition of the term “child who is found to be dependent,” as the term is used in ch. 39, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 452** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for CS for SB 1016—A bill to be entitled An act relating to guardianship; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1016** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 1506—A bill to be entitled An act relating to the Florida Retirement System; amending s. 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Service System; eliminating a provision that makes investigators of the Medicaid Fraud Control Unit ineligible for membership in the Special Risk Class of the system; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1506** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1210—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; amending s. 627.6741, F.S.; requiring that insurers offer Medicare supplement policies to certain individuals; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying

the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendments which were adopted:

Amendment 1 (405594)—On page 3, lines 28 and 29, delete those lines and insert: *to determine coverage eligibility for an individual or premium rates to be charged to an individual, shall be considered policies issued on an individual*

Amendment 2 (740410)(with title amendment)—On page 4, lines 10-29, delete those lines and insert: *applicable premium rates. Changes in rates, rating manuals, and rating schedules for individual health insurance policies shall be filed for approval pursuant to this paragraph. Prior approval shall not be required for an individual health insurance policy rate filing which complies with the requirements of paragraph (6)(f). Nothing in this paragraph shall be construed to interfere with the department's authority to investigate suspected violations of this section or to take necessary corrective action where a violation can be demonstrated. Nothing in this paragraph shall prevent an insurer from filing rates or rate changes for approval or from deeming rate changes approved pursuant to an approved loss ratio guarantee pursuant to subsection (8). This paragraph does not apply to group health insurance policies insuring groups of 51 or more persons, except for Medicare supplement insurance, long-term care insurance, and any coverage under which the increase in claim costs over the lifetime of the contract due to advancing age or duration is prefunded in the premium.*

(f) An insurer that files changes in rates, rating manuals or rating schedules, with the department, for individual health policies as described in s. 627.6561(5)(a)2., but excluding Medicare supplement policies, according to this paragraph may begin providing required notice to policyholders upon filing provided the insurer certifies that it has met the requirements of subparagraphs 1. through 3. of this paragraph. Filings submitted pursuant to this paragraph shall contain the same information and demonstrations and shall meet the same requirements as rate filings submitted for approval under this section, including the requirements of s. 627.411, except as indicated in this paragraph.

1. The insurer has complied with annual rate filing requirements then in effect pursuant to subsection (7) since the effective date of this paragraph or for the previous 2 years, whichever is less and has filed and implemented actuarially justifiable rate adjustments at least annually during this period. Nothing in this section shall be construed to prevent an insurer from filing rate adjustments more often than annually.

2. The insurer has pooled experience for applicable individual health policy forms in accordance with the requirements of subparagraph (6)(e)3.

3. Rates for the policy form are anticipated to meet a minimum loss ratio of 65 percent over the expected life of the form.

As used in this paragraph, the term “rating characteristics” means demographic characteristics of individuals, including, but not limited to, age, gender, occupation, geographic area factors, benefit design, smoking status, and health status at issue.

(g) Subsequent to filing a change of rates for an individual health policy pursuant to paragraph (f), an insurer may be required to furnish additional information to demonstrate compliance with this section. If the department finds that the adjusted rates are not reasonable in relation to premiums charged pursuant to the standards of this section, the department may order appropriate corrective action.

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: *revising requirements for filing and approval of individual health insurance rates;*

Amendment 3 (710170)—On page 4, line 11, after “policies” insert: *, effectuated and delivered in this state,*

Amendment 4 (410760)—On page 6, line 25, after the period (.) insert: *This provision does not apply to pre-standardized Medicare supplement forms.*

Amendment 5 (742980)—On page 7, lines 20 and 21, delete those lines and insert:

phased-in pursuant to this paragraph.

(4) *Individual health insurance policies which are subject to renewability requirements of s. 627.6425 shall be deemed guaranteed renewable for purposes of establishing loss ratio standards and shall comply with the same loss ratio standards as other guaranteed renewable forms.*

(5) *In determining medical trend for application of*

Amendment 6 (322792)—On page 8, line 30 through page 9, line 10, delete those lines and insert:

(b) The requirement of this subsection is met for health insurance coverage policy forms offered by an issuer in the individual market if the issuer offers the *basic and standard health benefit plans as established pursuant to s. 627.6699(12) or policy forms for individual health insurance coverage with the largest, and next to largest, premium volume of all such policy forms offered by the issuer in this state or applicable marketing or service area, as prescribed in rules adopted by the department, in the individual market in the period involved. To the greatest extent possible, such rules must be consistent with regulations adopted by the United States Department of Health and Human Services.*

Amendment 7 (911248)—On page 9, delete line 30 and insert: *eligibility for an individual or premium rates to be charged to an individual shall be considered*

Amendment 8 (604964)(with title amendment)—On page 14, line 20 through page 15, line 29, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 8-10, delete those lines and insert: *employer carriers;*

Amendment 9 (712174)(with title amendment)—On page 17, delete line 18 and insert:

Section 9. Subsection (12) of section 627.6482, Florida Statutes, is amended, and subsections (15) and (16) are added to that section, to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(12) “Premium” means the entire cost of an insurance plan, including the administrative fee, the risk assumption charge, and, in the instance of a minimum premium plan or stop-loss coverage, the incurred claims whether or not such claims are paid directly by the insurer. ~~“Premium” shall not include a health maintenance organization’s annual earned premium revenue for Medicare and Medicaid contracts for any assessment due for calendar years 1990 and 1991. For assessments due for calendar year 1992 and subsequent years, A health maintenance organization’s annual earned premium revenue for Medicare and Medicaid contracts is subject to assessments unless the department determines that the health maintenance organization has made a reasonable effort to amend its Medicare or Medicaid government contract for 1992 and subsequent years to provide reimbursement for any assessment on Medicare or Medicaid premiums paid by the health maintenance organization and the contract does not provide for such reimbursement.~~

(15) “Federal poverty level” means the most current federal poverty guidelines, as established by the federal Department of Health and Human Services and published in the Federal Register, and in effect on the date of the policy and its annual renewal.

(16) “Family income” means the adjusted gross income, as defined in s. 62 of the United States Internal Revenue Code, of all members of a household.

Section 10. Section 627.6486, Florida Statutes, is amended to read:

627.6486 Eligibility.—

(1) Except as provided in subsection (2), any person who is a resident of this state and has been a resident of this state for the previous 6 months is shall be eligible for coverage under the plan, including:

(a) The insured’s spouse.

(b) Any dependent ~~unmarried~~ child of the insured, from the moment of birth. Subject to the provisions of ss. 627.6041 and 627.6562, such coverage shall terminate at the end of the premium period in which the child ~~marries, ceases to be a dependent of the insured, or attains the age of 19, whichever occurs first. However, if the child is a full-time student at an accredited institution of higher learning, the coverage may continue while the child remains unmarried and a full-time student, but not beyond the premium period in which the child reaches age 23.~~

(c) The former spouse of the insured whose coverage would otherwise terminate because of annulment or dissolution of marriage, if the former spouse is dependent upon the insured for financial support. The former spouse shall have continued coverage and shall not be subject to waiting periods because of the change in policyholder status.

(2)(a) The board or administrator shall require verification of residency for the preceding 6 months and shall require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy. *A person may demonstrate his or her residency by maintaining his or her residence in this state for the preceding 6 months, purchasing a home that has been occupied by him or her as his or her primary residence for the previous 6 months, or having established a domicile in this state pursuant to s. 222.17 for the preceding 6 months.*

(b) No person who is currently eligible for health care benefits under Florida’s Medicaid program is eligible for coverage under the plan unless:

1. He or she has an illness or disease which requires supplies or medication which are covered by the association but are not included in the benefits provided under Florida’s Medicaid program in any form or manner; and

2. He or she is not receiving health care benefits or coverage under Florida’s Medicaid program.

(c) No person who is covered under the plan and terminates the coverage is again eligible for coverage.

(d) No person on whose behalf the plan has paid out *the lifetime maximum benefit currently being offered by the association of \$500,000* in covered benefits is eligible for coverage under the plan.

(e) The coverage of any person who ceases to meet the eligibility requirements of this section may be terminated immediately. If such person again becomes eligible for subsequent coverage under the plan, any previous claims payments shall be applied towards the \$500,000 lifetime maximum benefit and any limitation relating to preexisting conditions in effect at the time such person again becomes eligible shall apply to such person. ~~However, no such person may again become eligible for coverage after June 30, 1991.~~

(f) No person is eligible for coverage under the plan unless such person has been rejected by two insurers for coverage substantially similar to the plan coverage and no insurer has been found through the market assistance plan pursuant to s. 627.6484 that is willing to accept the application. As used in this paragraph, “rejection” includes an offer of coverage with a material underwriting restriction ~~or an offer of coverage at a rate greater than the association plan rate.~~

(g) No person is eligible for coverage under the plan if such person has, or is eligible for, on the date of issue of coverage under the plan, substantially similar coverage under another contract or policy, unless such coverage is provided pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, 100 Stat. 82 (1986) (COBRA), as amended, *or such coverage is provided pursuant to s. 627.6692 and such coverage is scheduled to end at a time certain and the person meets all other requirements of eligibility. Coverage provided by the association shall be secondary to any coverage provided by an insurer pursuant to COBRA or pursuant to s. 627.6692.*

(h) *A person is ineligible for coverage under the plan if such person is currently eligible for health care benefits under the Medicare program, except for a person who is insured by the Florida Comprehensive Health Association and enrolled under Medicare on July 1, 2001. All eligible persons who are classified as high risk individuals pursuant to s.*

~~627.6498(4)(a)4. shall, upon application or renewal, agree to be placed in a case management system when it is determined by the board and the plan case manager that such system will be cost effective and provide quality care to the individual.~~

(i) A person is ineligible for coverage under the plan if such person's premiums are paid for or reimbursed under any government-sponsored program or by any government agency or health care provider.

(j) An eligible individual, as defined in s. 627.6487, and his or her dependents, as described in subsection (1), are automatically eligible for coverage in the association unless the association has ceased accepting new enrollees under s. 627.6488. If the association has ceased accepting new enrollees, the eligible individual is subject to the coverage rights set forth in s. 627.6487.

(3) A person's coverage ceases:

(a) On the date a person is no longer a resident of this state;

(b) On the date a person requests coverage to end;

(c) Upon the date of death of the covered person;

(d) On the date state law requires cancellation of the policy; or

(e) Sixty days after the person receives notice from the association making any inquiry concerning the person's eligibility or place or residence to which the person does not reply.

(4) All eligible persons must, upon application or renewal, agree to be placed in a case-management system when the association and case manager find that such system will be cost-effective and provide quality care to the individual.

(5) Except for persons who are insured by the association on December 31, 2001, and who renew such coverage, persons may apply for coverage beginning January 1, 2002, and coverage for such persons shall begin on or after April 1, 2002, as determined by the board pursuant to s. 627.6488(4)(n).

Section 11. Subsection (3) of section 627.6487, Florida Statutes, is amended to read:

627.6487 Guaranteed availability of individual health insurance coverage to eligible individuals.—

(3) For the purposes of this section, the term "eligible individual" means an individual:

(a)1. For whom, as of the date on which the individual seeks coverage under this section, the aggregate of the periods of creditable coverage, as defined in s. 627.6561(5) and (6), is 18 or more months; and

2.a. Whose most recent prior creditable coverage was under a group health plan, governmental plan, or church plan, or health insurance coverage offered in connection with any such plan; or

b. Whose most recent prior creditable coverage was under an individual plan issued in this state by a health insurer or health maintenance organization, which coverage is terminated due to the insurer or health maintenance organization becoming insolvent or discontinuing the offering of all individual coverage in the State of Florida, or due to the insured no longer living in the service area in the State of Florida of the insurer or health maintenance organization that provides coverage through a network plan in the State of Florida;

(b) Who is not eligible for coverage under:

1. A group health plan, as defined in s. 2791 of the Public Health Service Act;

2. A conversion policy or contract issued by an authorized insurer or health maintenance organization under s. 627.6675 or s. 641.3921, respectively, offered to an individual who is no longer eligible for coverage under either an insured or self-insured employer plan;

3. Part A or part B of Title XVIII of the Social Security Act; or

4. A state plan under Title XIX of such act, or any successor program, and does not have other health insurance coverage; or

5. The Florida Comprehensive Health Association, if the association is accepting and issuing coverage to new enrollees, provided that the 63-day period specified in s. 627.6561(6) shall be tolled from the time the association receives an application from an individual until the association notifies the individual that it is not accepting and issuing coverage to that individual;

(c) With respect to whom the most recent coverage within the coverage period described in paragraph (a) was not terminated based on a factor described in s. 627.6571(2)(a) or (b), relating to nonpayment of premiums or fraud, unless such nonpayment of premiums or fraud was due to acts of an employer or person other than the individual;

(d) Who, having been offered the option of continuation coverage under a COBRA continuation provision or under s. 627.6692, elected such coverage; and

(e) Who, if the individual elected such continuation provision, has exhausted such continuation coverage under such provision or program.

Section 12. Section 627.6488, Florida Statutes, is amended to read:

627.6488 Florida Comprehensive Health Association.—

(1) There is created a nonprofit legal entity to be known as the "Florida Comprehensive Health Association." All insurers, as a condition of doing business, shall be members of the association.

(2)(a) The association shall operate subject to the supervision and approval of a ~~five-member~~ ~~three-member~~ board of directors consisting of the Insurance Commissioner, or his or her designee, who shall serve as chairperson of the board, and four additional members who must be state residents. At least one member must be a representative of an authorized health insurer or health maintenance organization authorized to transact business in this state. The board of directors shall be appointed by the Insurance Commissioner as follows:

1.—The chair of the board shall be the Insurance Commissioner or his or her designee.

2.—One representative of policyholders who is not associated with the medical profession, a hospital, or an insurer.

3.—One representative of insurers.

The administrator or his or her affiliate shall not be a member of the board. Any board member appointed by the commissioner may be removed and replaced by him or her at any time without cause.

(b) All board members, including the chair, shall be appointed to serve for staggered 3-year terms beginning on a date as established in the plan of operation.

(c) The board of directors ~~may shall have the power to~~ employ or retain such persons as are necessary to perform the administrative and financial transactions and responsibilities of the association and to perform other necessary and proper functions not prohibited by law. *Employees of the association shall be reimbursed as provided in s. 112.061 from moneys of the association for expenses incurred in carrying out their responsibilities under this act.*

(d) Board members may be reimbursed *as provided in s. 112.061* from moneys of the association for ~~actual and necessary~~ expenses incurred by them as members *in carrying out their responsibilities under the Florida Comprehensive Health Association Act*, but may not otherwise be compensated for their services.

(e) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the departmental representatives for any act or omission taken by them in the performance of their powers and duties under this act, unless such act or omission by such person is in intentional disregard of the rights of the claimant.

(f) Meetings of the board are subject to s. 286.011.

(3) The association shall adopt a plan pursuant to this act and submit its articles, bylaws, and operating rules to the department for approval. If the association fails to adopt such plan and suitable articles,

bylaws, and operating rules within 180 days after the appointment of the board, the department shall adopt rules to effectuate the provisions of this act; and such rules shall remain in effect until superseded by a plan and articles, bylaws, and operating rules submitted by the association and approved by the department. *Such plan shall be reviewed, revised as necessary, and annually submitted to the department for approval.*

(4) The association shall:

(a) Establish administrative and accounting procedures and internal controls for the operation of the association and provide for an annual financial audit of the association by an independent certified public accountant licensed pursuant to chapter 473.

(b) Establish procedures under which applicants and participants in the plan may have grievances reviewed by an impartial body and reported to the board. *Individuals receiving care through the association under contract from a health maintenance organization must follow the grievance procedures established in ss. 408.7056 and 641.31(5).*

(c) Select an administrator in accordance with s. 627.649.

(d) Collect assessments from all insurers to provide for operating losses incurred or estimated to be incurred during the period for which the assessment is made. The level of payments shall be established by the board, as formulated in s. 627.6492(1). Annual assessment of the insurers for each calendar year shall occur as soon thereafter as the operating results of the plan for the calendar year and the earned premiums of insurers being assessed for that year are known. Annual assessments are due and payable within 30 days of receipt of the assessment notice by the insurer.

(e) Require that all policy forms issued by the association conform to standard forms developed by the association. The forms shall be approved by the department.

(f) Develop and implement a program to publicize the existence of the plan, the eligibility requirements for the plan, and the procedures for enrollment in the plan and to maintain public awareness of the plan.

(g) Design and employ cost containment measures and requirements which may include preadmission certification, home health care, hospice care, negotiated purchase of medical and pharmaceutical supplies, and individual case management.

~~(h) Contract with preferred provider organizations and health maintenance organizations giving due consideration to the preferred provider organizations and health maintenance organizations which have contracted with the state group health insurance program pursuant to s. 110.123. If cost effective and available in the county where the policyholder resides, the board, upon application or renewal of a policy, shall place a high risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who shall determine the most cost effective quality care system or health care provider and shall place the individual in such system or with such health care provider. If cost effective and available in the county where the policyholder resides, the board, with the consent of the policyholder, may place a low risk or medium risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who may determine the most cost effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent, or guardian.~~

~~(h)(i) Make a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives not later than March 1 October 1 of each year. The report shall summarize the activities of the plan for the prior fiscal 12-month period ending July 1 of that year, including then-current data and estimates as to net written and earned premiums, the expense of administration, and the paid and incurred losses for the year. The report shall also include analysis and recommendations for legislative changes regarding utilization review, quality assurance, an evaluation of the administrator of the plan, access to cost-effective health care, and cost containment/case management policy and recommendations concerning the opening of enrollment to new entrants as of July 1, 1992.~~

~~(j)(i) Make a report to the Governor, the Insurance Commissioner, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and House of Representatives, not later than 45 days after the close of each calendar quarter, which includes, for the prior quarter, current data and estimates of net written and earned premiums, the expenses of administration, and the paid and incurred losses. The report shall identify any statutorily mandated program that has not been fully implemented by the board.~~

~~(j)(k) To facilitate preparation of assessments and for other purposes, the board shall engage an independent certified public accountant licensed pursuant to chapter 473 to conduct an annual financial audit of the association direct preparation of annual audited financial statements for each calendar year as soon as feasible following the conclusion of that calendar year, and shall, within 30 days after the issuance rendition of such statements, file with the department the annual report containing such information as required by the department to be filed on March 1 of each year.~~

~~(k)(i) Employ a plan case manager or managers to supervise and manage the medical care or coordinate the supervision and management of the medical care, with the administrator, of specified individuals. The plan case manager, with the approval of the board, shall have final approval over the case management for any specific individual. If cost-effective and available in the county where the policyholder resides, the association, upon application or renewal of a policy, may place an individual with the plan case manager, who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent or guardian, and the health care providers.~~

~~(l) Administer the association in a fiscally responsible manner that ensures that its expenditures are reasonable in relation to the services provided and that the financial resources of the association are adequate to meet its obligations.~~

~~(m) At least annually, but no more than quarterly, evaluate or cause to be evaluated the actuarial soundness of the association. The association shall contract with an actuary to evaluate the pool of insureds in the association and monitor the financial condition of the association. The actuary shall determine the feasibility of enrolling new members in the association, which must be based on the projected revenues and expenses of the association.~~

~~(n) Restrict at any time the number of participants in the association based on a determination by the board that the revenues will be inadequate to fund new participants. However, any person denied participation solely on the basis of such restriction must be granted priority for participation in the succeeding period in which the association is reopened for participants. Effective April 1, 2002, the association may provide coverage for up to 500 persons for the period ending December 31, 2002. On or after January 1, 2003, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2,000 persons. Except as provided in s. 627.6486(2)(f), applications for enrollment must be processed on a first-in, first-out basis.~~

~~(o) Establish procedures to maintain separate accounts and record-keeping for policyholders prior to January 1, 2002, and policyholders issued coverage on and after January 1, 2002.~~

~~(p) Appoint an executive director to serve as the chief administrative and operational officer of the association and operate within the specifications of the plan of operation and perform other duties assigned to him or her by the board.~~

(5) The association may:

(a) Exercise powers granted to insurers under the laws of this state.

(b) Sue or be sued.

(c) In addition to imposing annual assessments under paragraph (4)(d), levy interim assessments against insurers to ensure the financial ability of the plan to cover claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for a calendar year prior to the association's anticipated receipt of annual assessments for that calendar year. Any interim assessment shall be due and payable

within 30 days after receipt by an insurer of an interim assessment notice. Interim assessment payments shall be credited against the insurer's annual assessment. *Such assessments may be levied only for costs and expenses associated with policyholders insured with the association prior to January 1, 2002.*

(d) Prepare or contract for a performance audit of the administrator of the association.

(e) *Appear in its own behalf before boards, commissions, or other governmental agencies.*

(f) *Solicit and accept gifts, grants, loans, and other aid from any source or participate in any way in any government program to carry out the purposes of the Florida Comprehensive Health Association Act.*

(g) *Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into the association on a fraudulent basis.*

(h) *Procure insurance against any loss in connection with the property, assets, and activities of the association or the board.*

(i) *Contract for necessary goods and services; employ necessary personnel; and engage the services of private consultants, actuaries, managers, legal counsel, and independent certified public accountants for administrative or technical assistance.*

(6) The department shall examine and investigate the association in the manner provided in part II of chapter 624.

Section 13. Paragraph (b) of subsection (3) of section 627.649, Florida Statutes, is amended to read:

627.649 Administrator.—

(3) The administrator shall:

(b) Pay an agent's referral fee as established by the board to each insurance agent who refers an applicant to the plan, if the applicant's application is accepted. The selling or marketing of plans shall not be limited to the administrator or its agents. *Any agent must be licensed by the department to sell health insurance in this state.* The referral fees shall be paid by the administrator from moneys received as premiums for the plan.

Section 14. Section 627.6492, Florida Statutes, is amended to read:

627.6492 Participation of insurers.—

(1)(a) As a condition of doing business in this state an insurer shall pay an assessment to the board, in the amount prescribed by this section. *Subsections (1), (2), and (3) apply only to the costs and expenses associated with policyholders insured with the association prior to January 1, 2002, including renewal of coverage for such policyholders after that date.* For operating losses incurred in any calendar year ~~on July 1, 1991, and thereafter,~~ each insurer shall annually be assessed by the board in the following calendar year a portion of such incurred operating losses of the plan; such portion shall be determined by multiplying such operating losses by a fraction, the numerator of which equals the insurer's earned premium pertaining to direct writings of health insurance in the state during the calendar year preceding that for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by participating insurers in the state during such calendar year.

(b) ~~For operating losses incurred from July 1, 1991, through December 31, 1991, the total of all assessments upon a participating insurer shall not exceed .375 percent of such insurer's health insurance premiums earned in this state during 1990. For operating losses incurred in 1992 and thereafter,~~ The total of all assessments upon a participating insurer shall not exceed 1 percent of such insurer's health insurance premium earned in this state during the calendar year preceding the year for which the assessments were levied.

(c) ~~For operating losses incurred from October 1, 1990, through June 30, 1991, the board shall assess each insurer in the amount and manner prescribed by chapter 90-334, Laws of Florida. The maximum assessment against an insurer, as provided in such act, shall apply separately~~

~~to the claims incurred in 1990 (October 1 through December 31) and the claims incurred in 1991 (January 1 through June 30). For operating losses incurred on January 1, 1991, through June 30, 1991, the maximum assessment against an insurer shall be one-half of the amount of the maximum assessment specified for such insurer in former s. 627.6492(1)(b), 1990 Supplement, as amended by chapter 90-334, Laws of Florida.~~

(c)(d) All rights, title, and interest in the assessment funds collected shall vest in this state. However, all of such funds and interest earned shall be used by the association to pay claims and administrative expenses.

(2) If assessments and other receipts by the association, board, or administrator exceed the actual losses and administrative expenses of the plan, the excess shall be held at interest and used by the board to offset future losses. As used in this subsection, the term "future losses" includes reserves for claims incurred but not reported.

(3) Each insurer's assessment shall be determined annually by the association based on annual statements and other reports deemed necessary by the association and filed with it by the insurer. Any deficit incurred under the plan shall be recouped by assessments against participating insurers by the board in the manner provided in subsection (1); and the insurers may recover the assessment in the normal course of their respective businesses without time limitation.

(4)(a) *This subsection applies only to those costs and expenses of the association related to persons whose coverage begins after January 1, 2002. As a condition of doing business in this state, every insurer shall pay an amount determined by the board of up to 25 cents per month for each individual policy or covered group subscriber insured in this state, not including covered dependents, under a health insurance policy, certificate, or other evidence of coverage that is issued for a resident of this state and shall file the information with the association as required pursuant to paragraph (d). Any insurer who neglects, fails, or refuses to collect the fee shall be liable for and pay the fee. The fee shall not be subject to the provisions of s. 624.509.*

(b) *For purposes of this subsection, health insurance does not include accident only, specified disease, individual hospital indemnity, credit, dental-only, vision-only, Medicare supplement, long-term care, nursing home care, home health care, community-based care, or disability income insurance; similar supplemental plans provided under a separate policy, certificate, or contract of insurance, which cannot duplicate coverage under an underlying health plan and are specifically designed to fill gaps in the underlying health plan, coinsurance, or deductibles; any policy covering medical-payment coverage or personal injury protection coverage in a motor vehicle policy; coverage issued as a supplement to liability insurance; or workers' compensation insurance. For the purposes of this subsection, the term "insurer" as defined in s. 627.6482(7) also includes administrators licensed pursuant to s. 626.8805, and any insurer defined in s. 627.6482(7) from whom any person providing health insurance to Florida residents procures insurance for itself in the insurer, with respect to all or part of the health insurance risk of the person, or provides administrative services only. This definition of insurer excludes self-insured, employee welfare benefit plans that are not regulated by the Florida Insurance Code pursuant to the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, as amended. However, this definition of insurer includes multiple employer welfare arrangements as provided for in the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, as amended. Each covered group subscriber, without regard to covered dependents of the subscriber, shall be counted only once with respect to any assessment. For that purpose, the board shall allow an insurer as defined by this subsection to exclude from its number of covered group subscribers those who have been counted by any primary insurer providing health insurance coverage pursuant to s. 624.603.*

(c) *The calculation shall be determined as of December 31 of each year and shall include all policies and covered subscribers, not including covered dependents of the subscribers, insured at any time during the year, calculated for each month of coverage. The payment is payable to the association no later than April 1 of the subsequent year. The first payment shall be forwarded to the association no later than April 1, 2002, covering the period of October 1, 2001, through December 31, 2001.*

(d) *The payment of such funds shall be submitted to the association accompanied by a form prescribed by the association and adopted in the*

plan of operation. The form shall identify the number of covered lives for different types of health insurance products and the number of months of coverage.

(e) Beginning October 1, 2001, the fee paid to the association may be charged by the health insurer directly to each policyholder, insured member, or subscriber and is not part of the premium subject to the department's review and approval. Nonpayment of the fee shall be considered nonpayment of premium for purposes of s. 627.6043.

Section 15. Section 627.6498, Florida Statutes, is amended to read:

627.6498 Minimum benefits coverage; exclusions; premiums; deductibles.—

(1) COVERAGE OFFERED.—

(a) The plan shall offer in an annually a ~~semiannually~~ renewable policy the coverage specified in this section for each eligible person. ~~For applications accepted on or after June 7, 1991, but before July 1, 1991, coverage shall be effective on July 1, 1991, and shall be renewable on January 1, 1992, and every 6 months thereafter. Policies in existence on June 7, 1991, shall, upon renewal, be for a term of less than 6 months that terminates and becomes subject to subsequent renewal on the next succeeding January 1 or July 1, whichever is sooner.~~

(b) ~~If an eligible person is also eligible for Medicare coverage, the plan shall not pay or reimburse any person for expenses paid by Medicare.~~

(c) ~~Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply for coverage under the plan. If such coverage is applied for within 60 days after the involuntary termination and if premiums are paid for the entire period of coverage, the effective date of the coverage shall be the date of termination of the previous coverage.~~

(b)(d) The plan shall provide that, upon the death or divorce of the individual in whose name the contract was issued, every other person then covered in the contract may elect within 60 days to continue under the same or a different contract.

(c)(e) No coverage provided to a person who is eligible for Medicare benefits shall be issued as a Medicare supplement policy as defined in s. 627.672.

(2) BENEFITS.—

(a) ~~The plan must offer coverage to every eligible person subject to limitations set by the association. The coverage offered must pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4). The lifetime benefits limit for such coverage shall be \$500,000. However, policyholders of association policies issued prior to 1992 are entitled to continued coverage at the benefit level established prior to January 1, 2002. Only the premium, deductible, and coinsurance amounts may be modified as determined necessary by the board. The plan shall offer major medical expense coverage similar to that provided by the state group health insurance program as defined in s. 110.123 except as specified in subsection (3) to every eligible person who is not eligible for Medicare. Major medical expense coverage offered under the plan shall pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4), up to a lifetime limit of \$500,000 per covered individual. The maximum limit under this paragraph shall not be altered by the board, and no actuarially equivalent benefit may be substituted by the board.~~

(b) The plan shall provide that any policy issued to a person eligible for Medicare shall be separately rated to reflect differences in experience reasonably expected to occur as a result of Medicare payments.

(3) COVERED EXPENSES.—

(a) ~~The board shall establish the coverage to be issued by the association.~~

(b) ~~If the coverage is being issued to an eligible individual as defined in s. 627.6487, the individual shall be offered, at the option of the individual, the basic and the standard health benefit plan as established in s.~~

~~627.6699. The coverage to be issued by the association shall be patterned after the state group health insurance program as defined in s. 110.123, including its benefits, exclusions, and other limitations, except as otherwise provided in this act. The plan may cover the cost of experimental drugs which have been approved for use by the Food and Drug Administration on an experimental basis if the cost is less than the usual and customary treatment. Such coverage shall only apply to those insureds who are in the case management system upon the approval of the insured, the case manager, and the board.~~

(4) PREMIUMS AND DEDUCTIBLES, AND COINSURANCE.—

(a) ~~The plan shall provide for annual deductibles for major medical expense coverage in the amount of \$1,000 or any higher amounts proposed by the board and approved by the department, plus the benefits payable under any other type of insurance coverage or workers' compensation. The schedule of premiums and deductibles shall be established by the board association. With regard to any preferred provider arrangement utilized by the association, the deductibles provided in this paragraph shall be the minimum deductibles applicable to the preferred providers and higher deductibles, as approved by the department, may be applied to providers who are not preferred providers.~~

1. ~~Separate schedules of premium rates based on age may apply for individual risks.~~

2. ~~Rates are subject to approval by the department pursuant to ss. 627.410 and 627.411, except as provided by this section. The board shall revise premium schedules annually, beginning January 2002.~~

3. ~~Standard risk rates for coverages issued by the association shall be established by the department, pursuant to s. 627.6675(3).~~

3.4. ~~The board shall establish three premium schedules based upon an individual's family income:~~

a. ~~Schedule A is applicable to an individual whose family income exceeds the allowable amount for determining eligibility under the Medicaid program, up to and including 200 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 150 percent of the standard risk rate.~~

b. ~~Schedule B is applicable to an individual whose family income exceeds 200 percent but is less than 300 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 250 percent of the standard risk rate.~~

c. ~~Schedule C is applicable to an individual whose family income is equal to or greater than 300 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 300 percent of the standard risk rate. establish separate premium schedules for low risk individuals, medium risk individuals, and high risk individuals and shall revise premium schedules annually beginning January 1999.~~

4. ~~The standard risk rate shall be determined by the department pursuant to s. 627.6675(3). The rate shall be adjusted for benefit differences. No rate shall exceed 200 percent of the standard risk rate for low risk individuals, 225 percent of the standard risk rate for medium risk individuals, or 250 percent of the standard risk rate for high risk individuals. For the purpose of determining what constitutes a low risk individual, medium risk individual, or high risk individual, the board shall consider the anticipated claims payment for individuals based upon an individual's health condition.~~

(b) ~~If the covered costs incurred by the eligible person exceed the deductible for major medical expense coverage selected by the person in a policy year, the plan shall pay in the following manner:~~

1. ~~For individuals placed under case management, the plan shall pay 90 percent of the additional covered costs incurred by the person during the policy year for the first \$10,000, after which the plan shall pay 100 percent of the covered costs incurred by the person during the policy year.~~

2. ~~For individuals utilizing the preferred provider network, the plan shall pay 80 percent of the additional covered costs incurred by the person during the policy year for the first \$10,000, after which the plan shall pay 90 percent of covered costs incurred by the person during the policy year.~~

3.—If the person does not utilize either the case management system or the preferred provider network, the plan shall pay 60 percent of the additional covered costs incurred by the person for the first \$10,000, after which the plan shall pay 70 percent of the additional covered costs incurred by the person during the policy year.

(5) **PREEXISTING CONDITIONS.**—An association policy *shall* may contain provisions under which coverage is excluded during a period of 12 months following the effective date of coverage with respect to a given covered individual for any preexisting condition, as long as:

(a) The condition manifested itself within a period of 6 months before the effective date of coverage; or

(b) Medical advice or treatment was recommended or received within a period of 6 months before the effective date of coverage.

This subsection does not apply to an eligible individual as defined in s. 627.6487.

(6) **OTHER SOURCES PRIMARY.**—

(a) No amounts paid or payable by Medicare or any other governmental program or any other insurance, or self-insurance maintained in lieu of otherwise statutorily required insurance, may be made or recognized as claims under such policy or be recognized as or towards satisfaction of applicable deductibles or out-of-pocket maximums or to reduce the limits of benefits available.

(b) The association has a cause of action against a participant for any benefits paid to the participant which should not have been claimed or recognized as claims because of the provisions of this subsection or because otherwise not covered.

(7) **NONENTITLEMENT.**—*The Florida Comprehensive Health Association Act does not provide an individual with an entitlement to health care services or health insurance. A cause of action does not arise against the state, the board, or the association for failure to make health services or health insurance available under the Florida Comprehensive Health Association Act.*

Section 16. *The Legislature finds that the provisions of this act fulfill an important state interest.*

Section 17. *The amendments in this act to section 627.6487(3), Florida Statutes, shall not take effect unless the Health Care Financing Administration of the U.S. Department of Health and Human Services approves this act as providing an acceptable alternative mechanism, as provided in the Public Health Service Act.*

Section 18. *Effective January 1, 2002, section 627.6484, Florida Statutes, is repealed.*

Section 19. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 2, delete line 25 and insert: of subscribers; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual's family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members;

requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487(3), F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 1210** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR BURT PRESIDING

On motion by Senator Smith—

SB 1644—A bill to be entitled An act relating to education; amending s. 231.262, F.S.; requiring school districts to institute policies regarding complaints against teachers and administrators; providing penalties for noncompliance; authorizing the Commissioner of Education to suspend certificates of certain educational personnel; providing appeals procedures; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Smith and adopted:

Amendment 1 (753822)—On page 2, line 22 through page 3, line 5, delete those lines and insert: filing. *Each district school board shall develop policies and procedures to comply with this reporting requirement. The policies and procedures must include appropriate penalties for nonreporting for all personnel of the district school board and procedures for promptly informing the superintendent of schools of each legally sufficient complaint. The superintendent of schools is charged with knowledge of these policies and procedures. If the superintendent of schools has knowledge of a legally sufficient complaint and does not report the legally sufficient complaint, or if the superintendent fails to enforce the policies and procedures of the district school board and fails to comply with the requirements of this subsection, in addition to other actions against a certificateholder authorized by law, the superintendent is subject to the penalties specified in s. 230.33(13).* This paragraph does

Amendment 2 (270774)(with title amendment)—On page 3, lines 10-24, delete those lines and insert:

(5) *When deemed necessary to protect the health, safety, and welfare of a student, the district school superintendent in consultation with the school principal may, and upon the request of the Commissioner of Education shall, temporarily suspend a certificateholder from the certificateholder's regularly assigned duties, with pay, and reassign the suspended certificateholder to a position that does not require direct contact with students in the district school system. Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 231.2615.*

And the title is amended as follows:

On page 1, lines 7-9, delete those lines and insert: district school superintendent to temporarily suspend a certificateholder from regularly assigned duties until completion of certain proceedings; providing an

Pursuant to Rule 4.19, **SB 1644** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 972—A bill to be entitled An act relating to water management district fiscal matters; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budgets must be sent for review; specifying the contents of the tentative budgets; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; amending s. 373.501, F.S.; providing procedures for the transfer of funds for proposed water management district projects; amending s. 373.59, F.S.; authorizing the use of the Water Management Lands Trust Fund for specified purposes other than acquisition; deleting a prospective repeal; authorizing the South Florida Water Management District to acquire specified mining and quarry lands; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (065408)(with title amendment)—On page 14, lines 5-10, delete those lines and insert:

Section 6. Section 475.628, Florida Statutes, is amended to read:

475.628 Professional standards for appraisers registered, licensed, or certified under this part.—Each appraiser registered, licensed, or certified under this part shall comply with the Uniform Standards of Professional Appraisal Practice. Statements on appraisal standards which may be issued for the purpose of clarification, interpretation, explanation, or elaboration through the Appraisal Foundation shall also be binding on any appraiser registered, licensed, or certified under this part. *Appraisers may use any recognized appropriate appraisal methodology, in compliance with the Uniform Standards of Professional Appraisal Practice and applicable statements issued through the Appraisal Foundation, including, but not limited to, cost, comparable sales and income approach.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 3-5 delete those lines and insert: repeal; amending s. 475.628, F.S.; recognizing certain appraisal methods;

Pursuant to Rule 4.19, **CS for SB 972** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for SB 354—A bill to be entitled An act relating to civil rights; amending s. 760.11, F.S., pertaining to administrative and civil remedies for violations of ss. 760.01-760.10, F.S., the "Florida Civil Rights Act of 1992"; revising procedures for filing complaints; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 354** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for SB 684—A bill to be entitled An act relating to organ transplantation programs; providing for an impact study and report to the Legislature; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendment:

Amendment 1 (273274)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Legislature finds that despite continuing advances in medicine and technology, the demand for organs drastically outstrips the amount of organ donors, that the waiting list for organs has grown dramatically in the 1990's to the point that over 70,000 people are on a waiting list for organ transplants, and that during this period, the number of available donor organs remained at 6,000 per year. The Legislature further finds that organ transplants are among the most complex and specialized of health care services and, due to its high level of intensity, complexity, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost-effectiveness of this highly specialized service, and that multiple organ transplants are among the most complex and specialized of health care services and should be limited to teaching and research medical centers. In addition, the Legislature finds that the creation of a successful organ transplantation program is a costly initiative, including capital expenditures for physical plant improvements and acquisition of state-of-the-art medical equipment, and also in the recruitment, acquisition, and retention of qualified professional staff, such as surgeons, physicians, nurses, transplant coordinators, medical technicians, and assistants, who require the highest level of training, and that these professionals are in high demand. The Legislature finds that competition for organ transplantation programs should be based on quality that is demonstrated by outcome data in order to maximize the number of patients who undergo successful transplant surgery with excellent patient and transplant survival rates, that adding new transplantation programs only dilutes the pool of available organs among a larger number of hospitals, that it does not increase the number of organs available to patients, and therefore, proliferation of new transplantation programs should be carefully considered, based on the fact that proficiency of medical and nursing staff is maintained by participating in a higher volume of procedures rather than a lower volume due to disbursement of the same type of transplantation programs to numerous facilities.*

Section 2. (1)(a) *The Agency for Health Care Administration shall create an Organ Transplant Task Force within the Agency for Health Care Administration.*

(b) *Task force participants shall be responsible for only the expenses that they generate individually through participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.*

(2) *The task force shall consist of up to 15 members. The task force chairperson shall be selected by majority vote of a quorum present. Eight members shall constitute a quorum. The membership shall include, but not be limited to, a balance of members representing the Agency for Health Care Administration, health care facilities that have existing organ transplantation programs, individual organ transplant health care practitioners, pediatric organ transplantation programs, organ procurement agencies, and organ transplant recipients or family members.*

(3) *The task force shall meet for the purpose of studying and making recommendations regarding current and future supply of organs in relation to the number of existing organ transplantation programs and the future necessity of the issuance of a certificate of need for proposed organ transplantation programs. At a minimum, the task force shall submit a report to the Legislature which includes a summary of the method of allocation and distribution of organs; a list of facilities performing multiple organ transplants and the number being performed; the number of Medicaid and charity care patients who have received organ transplants by existing organ transplant programs; suggested mechanisms for funding organ transplants, which shall include, but need not be limited to, an organ transplant trust fund for the treatment of Medicaid and charity patients; the impact of trends in health care delivery and financing on organ transplantation; and the number of certificates of need applications reviewed by the Agency for Health Care Administration in the last*

5 years, including the number approved or denied and the number litigated.

(4) *The task force shall meet at the call of the chairperson. The task force shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2002. The task force is abolished effective December 31, 2002.*

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to organ transplantation; providing legislative intent; providing for the Agency for Health Care Administration to create the Organ Transplant Task Force to study organ transplantation programs; requiring the task force to study and make recommendations on the necessity of the issuance of certificates of need for such programs and funding for organ transplantation; providing a date for the task force to report to the Governor and the Legislature; providing an effective date.

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

Amendment 1A (753964)—On page 2, line 26, after “Administration” insert: , *which task force must be funded by existing agency funds*

Senators Brown-Waite and Campbell offered the following amendment to **Amendment 1** which was moved by Senator Brown-Waite and adopted:

Amendment 1B (652338)(with title amendment)—On page 1, line 17 through page 2, line 23, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, line 14, delete “providing legislative intent;”

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 684** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB's 1442 and 1570—A bill to be entitled An act relating to interscholastic athletics; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (320098)—On page 3, line 16, after the comma (,) insert: *or if a parent consents in writing notwithstanding the results of any physical examination,*

Amendment 2 (720838)—On page 2, lines 28 and 29, delete “*abnormal findings in the cardiovascular system*” and insert: *cardiac anomalies that would place the student athlete at imminent health risk*

Pursuant to Rule 4.19, **CS for SB's 1442 and 1570** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

SB 666—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician

assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; 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 Sullivan and adopted:

Amendment 1 (514986)—On page 4, line 9, delete *antipsychotics,* and insert: *antipsychotics,*

Amendment 2 (125506)—On page 9, line 28, delete “July 1, 2001.” and insert: October 1, 2001.

Pursuant to Rule 4.19, **SB 666** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 924—A bill to be entitled An act relating to health care providers; amending ss. 458.331, 459.015, F.S.; providing an additional ground for discipline of persons licensed under ch. 458, F.S., or ch. 459, F.S.; providing an effective date.

—was read the second time by title.

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

Amendment 1 (272574)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (nn) and (oo) are added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(nn) *Delegating post-operative responsibilities to a person not licensed as a physician under this chapter or chapter 459, except where delegation to another licensed health care practitioner is deemed medically appropriate by the delegating physician and the other licensed health care practitioner is required by law to conform to the same level of care provided by medical practitioners in accordance with the same or similar community standards. Such delegation shall be subject to the written informed consent of the patient, and the post-operative care shall be performed pursuant to a co-management protocol which requires regular reporting to the surgeon and immediate consultation with a surgeon when the care required by the patient exceeds the care which the other licensed health care practitioner is authorized or trained to perform.*

(oo) *Failing to report to the department any person licensed under this chapter, chapter 459, or the chapter regulating the alleged violator, whose failure to provide appropriate post-operative care has caused a patient to require emergency room treatment.*

Section 2. Paragraphs (pp) and (qq) are added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) *Delegating post-operative responsibilities to a person not licensed as a physician under this chapter or chapter 459, except where delegation to another licensed health care practitioner is deemed medically appropriate by the delegating physician and the other licensed health care practitioner is required by law to conform to the same level*

of care provided by medical practitioners in accordance with the same or similar community standards. Such delegation shall be subject to the written informed consent of the patient, and the post-operative care shall be performed pursuant to a co-management protocol which requires regular reporting to the surgeon and immediate consultation with a surgeon when the care required by the patient exceeds the care which the other licensed health care practitioner is authorized or trained to perform.

(qq) Failing to report to the department any person licensed under this chapter, chapter 458, or the chapter regulating the alleged violator, whose failure to provide appropriate post-operative care has caused a patient to require emergency room treatment.

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 4, delete "an additional ground" and insert: additional grounds

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

Amendment 1A (452078)—On page 1, delete line 31 and insert: *the same or similar community standards. Delegation of ocular postoperative responsibilities shall*

Amendment 1B (115090)—On page 2, lines 8-12, delete those lines and insert:

(oo) *Failing to report to the department, as required in s. 456.072, any person licensed under this chapter, chapter 459, or the chapter regulating the alleged violation, who fails to provide appropriate post-operative care.*

Amendment 1C (583164)—On page 2, delete line 27 and insert: *the same or similar community standards. Delegation of ocular postoperative responsibility shall*

Amendment 1D (331136)—On page 3, lines 4-8, delete those lines and insert: *(qq) Failing to report to the department, as required by s. 456.072, any person licensed under this chapter, chapter 458, or the chapter regulating the alleged violator, who fails to provide appropriate post-operative care.*

The question recurred on **Amendment 1** as amended.

Senator Webster moved the following substitute amendment:

Amendment 2 (471030)—On page 1, lines 17-29, delete those lines and insert:

(nn) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 459. Nothing herein shall be construed to prohibit an ophthalmologist performing cataract surgery from delegating ocular post-operative responsibilities relating to that cataract surgery to a board certified optometrist licensed under chapter 463 provided that the delegation occurs no sooner than 28 days following cataract surgery, the board certified optometrist is supervised by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient's post-operative care.*

Section 2. Paragraph (pp) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 458. Nothing herein shall be construed to prohibit an ophthalmologist performing cataract surgery from delegating ocular post-operative responsibilities relating to that cataract surgery to a board certified optometrist licensed under chapter 463 provided that the delegation occurs no sooner than 28 days following cataract surgery, the board certified optometrist is supervised*

by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient's post-operative care.

Senator Smith moved the following amendment to substitute **Amendment 2** which was adopted:

Amendment 2A (085188)—On page 1, lines 22-30 and on page 2, lines 11-19, delete those lines and insert: *an ophthalmologist performing ocular surgery from delegating ocular post-operative responsibilities relating to that ocular surgery to a board certified optometrist licensed under chapter 463; provided, that the delegation occurs no sooner than 7 days following the ocular surgery, the board certified optometrist is under general supervision by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient's postoperative care. General supervision shall mean the ophthalmologist need not be present but readily available for consultation or to direct treatment.*

The vote was:

Yeas—21

Brown-Waite	King	Posey	Villalobos
Campbell	Latvala	Rossin	Wasserman Schultz
Carlton	Lee	Sanderson	Webster
Garcia	Meek	Sebesta	
Holzendorf	Mitchell	Smith	
Horne	Peaden	Sullivan	

Nays—15

Bronson	Cowin	Geller	Miller
Burt	Crist	Klein	Pruitt
Clary	Dawson	Laurent	Saunders
Constantine	Dyer	Lawson	

Vote after roll call:

Yea to Nay—Peaden

RECONSIDERATION OF AMENDMENT

On motion by Senator Webster, the Senate reconsidered the vote by which **Amendment 2A** was adopted. **Amendment 2A** failed. The vote was:

Yeas—16

Bronson	Horne	Mitchell	Sebesta
Brown-Waite	King	Peaden	Smith
Campbell	Lee	Rossin	Sullivan
Holzendorf	Meek	Sanderson	Villalobos

Nays—20

Burt	Crist	Klein	Posey
Carlton	Dawson	Latvala	Pruitt
Clary	Dyer	Laurent	Saunders
Constantine	Garcia	Lawson	Wasserman Schultz
Cowin	Geller	Miller	Webster

Vote after roll call:

Yea to Nay—Peaden

The question recurred on substitute **Amendment 2** which was adopted.

Pursuant to Rule 4.19, **CS for SB 924** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 654—A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by endorsement and providing requirements therefor, including a fee; providing for legislative review; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendment which was moved by Senator Saunders and adopted:

Amendment 1 (583128)—On page 1, line 26, delete “15 years” and insert: *12 years*

Pursuant to Rule 4.19, **SB 654** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 634—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 634** to **HB 1003**.

Pending further consideration of **CS for SB 634** as amended, on motion by Senator Clary, by two-thirds vote **HB 1003** was withdrawn from the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

HB 1003—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing rulemaking authority; providing an effective date.

—a companion measure, was substituted for **CS for SB 634** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1003** was placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

SB 672—A bill to be entitled An act relating to financial responsibility for indigent hospital patients; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county’s financial responsibility for such hospital care; requiring the county of residence to accept the hospital’s documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 672** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for SB 1722—A bill to be entitled An act relating to surety bonds; amending s. 625.071, F.S.; modifying the amount of reserve which surety insurers may maintain on bail bonds and judicial bonds in lieu of the unearned premium reserve required under s. 625.051, F.S.; providing financial reporting requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1722** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

SB 1840—A bill to be entitled An act relating to school board service programs; creating the “David Levitt School Food Anti-Hunger Act of 2001”; amending s. 228.195, F.S.; requiring school districts to donate unused food to programs that assist hungry families under certain circumstances; providing exceptions; authorizing the Department of Education to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1840** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson, by two-thirds vote **HB 499** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Sanderson—

HB 499—A bill to be entitled An act relating to holidays; creating s. 683.25, F.S.; designating December 15 as “Bill of Rights Day”; providing for a proclamation by the Governor to that effect; providing an effective date.

—a companion measure, was substituted for **SB 1036** and read the second time by title.

Pursuant to Rule 4.19, **HB 499** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Horne—

CS for CS for SB 400—A bill to be entitled An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing for satisfaction of the element of notice under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendments which were adopted:

Amendment 1 (920520)—On page 1, line 23, delete “~~knows he or she~~” and insert: *knows he or she*

Amendment 2 (444582)—On page 2, line 24, delete “*bona fide*” and insert: *good-faith*

Amendment 3 (734348)—On page 2, line 28, delete “*satisfied if*” and insert: *proven by evidence that*

Pursuant to Rule 4.19, **CS for CS for SB 400** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 1212—A bill to be entitled An act relating to special assessments; amending s. 189.420, F.S.; providing a method for special assessments of mobile home and recreational vehicle parks by municipalities and counties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1212** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1126** was deferred.

On motion by Senator Wasserman Schultz, consideration of **CS for SB 1692** was deferred.

CS for SB 1190—A bill to be entitled An act relating to higher education; providing Legislative intent; redesignating St. Petersburg Junior College as “St. Petersburg College”; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (104860)(with title amendment)—On page 2, between lines 21 and 22, insert:

Section 1. Section 240.3836, Florida Statutes, is amended to read:

240.3836 Site-determined baccalaureate degree access program; funding.—

(1) The Legislature recognizes that public and private postsecondary education institutions play essential roles in improving the quality of life and economic well-being of the state and its residents. The Legislature also recognizes that economic development needs and the educational needs of place-bound, nontraditional students have increased the demand for local access to baccalaureate degree programs. In some, but not all, geographic regions, baccalaureate degree programs are being delivered successfully at the local community college through agreements between the community college and 4-year postsecondary institutions within or outside of the state. It is therefore the intent of the Legislature to further expand access to baccalaureate degree programs through the use of community colleges apply this concept in the creation and funding of a program that supports local economic development and responds to public demand for increased access to baccalaureate degrees in areas of the state that are underserved by 4-year institutions.

(2) A community college may be authorized by the State Board of Education to offer a limited number of baccalaureate degrees designed to meet local workforce needs through one of the following processes:

(a) A community college may enter into a formal agreement with the state university in its service area for the community college to deliver specified baccalaureate degree programs. The agreement must be submitted to the State Board of Education for approval. The college's proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

2. Unmet need for graduates of the proposed degree program is substantiated.

3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Postsecondary Education Planning Commission for review and comment. Upon approval of the State Board of Education for the specific degree program or programs, the college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the college wishes to offer must be approved by the State Board of Education.

(b) A community college may develop a proposal to deliver specified baccalaureate degree programs in its district. The proposal must be submitted to the State Board of Education for approval. The college's proposal must include the following information:

1. Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

2. Unmet need for graduates of the proposed degree program is substantiated.

3. The community college has the facilities and academic resources to deliver the program.

The proposal must be submitted to the Postsecondary Education Planning Commission for review and comment. Upon approval of the State Board of Education for the specific degree program or programs, the college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the college wishes to offer must be approved by the State Board of Education.

(3) A community college may not terminate its Associate-in-Arts or Associate-in-Science degree programs as a result of the authorization provided in subsection (2). The Legislature intends that the primary mission of a community college, including a college that offers baccalaureate-degree programs, continues to be the provision of associate degrees that provide access to a university.

(2) Categorical funding is authorized for the site-determined baccalaureate-degree-access program created by this section. Funds may not be used to support the construction, renovation, or remodeling of facilities. This program is voluntary and does not preclude other mutually agreed-upon arrangements between community colleges and 4-year institutions for the delivery of baccalaureate degrees on community college sites.

(3) Each community college wishing to participate in the site-determined baccalaureate-degree-access program must:

(a) Identify baccalaureate degree programs that are not currently offered at the community college but are proposed for delivery at the college to meet the academic and economic development needs of one or more communities within the college's service area. When assessing local needs, the college should seek input from the appropriate chamber of commerce, workforce development council, and other civic and business groups. As used in this section, the term “economic development” means entrepreneurial efforts, the attraction of new business and industry to the area, and the expansion of existing business and industry.

(b) Determine the number of students interested in pursuing each proposed baccalaureate degree program and identify the enrollment patterns, any special characteristics of those students, and any unique combination or modification of course offerings that may be necessary to meet student enrollment needs.

(c) Submit a proposal to the Postsecondary Education Planning Commission requesting validation of the need for the proposed baccalaureate degree program and tentative approval for program funding. The proposal must include:

1. A description of each proposed baccalaureate degree program identifying the junior level and senior level courses to be offered and designating whether the program should be offered for a cohort group or as an ongoing degree program.

2. Evidence that local occupational forecasts support the existence of jobs for graduates of the proposed baccalaureate degree programs.

3. An estimated number of students to be served by each proposed degree program.

4. An assurance that the community college's existing facilities are sufficient to meet the additional demands for classroom and laboratory space for the proposed degree programs.

5. Evidence that the college has requested the participation of no fewer than three regionally accredited 4-year postsecondary institutions, including at least one member of the State University System. Any member of the State University System and any independent, regionally accredited, 4-year institution that is chartered in, and has its primary campus located in, Florida may be a partner in a site-determined baccalaureate-degree-access program at any community college.

6. A tentative agreement between the community college and the 4-year postsecondary institution selected to offer the upper-level courses leading to the proposed degree or degrees.

7.—Any additional provisions that the Postsecondary Education Planning Commission considers pertinent to the proposal.

(4)—The Postsecondary Education Planning Commission, after soliciting comments from the Board of Regents and the State Board of Community Colleges, shall validate the need for each baccalaureate degree program proposed for delivery according to this section and shall notify the community college that its proposal has been approved or rejected. The commission shall establish procedures for the timely submission, review, and approval of the proposals and agreements required by this section. These procedures must be designed to allow the initiation of approved baccalaureate degree programs at least 3 times each fiscal year.

(5)—Once the Postsecondary Education Planning Commission validates the need for the proposed baccalaureate degree program and notifies the community college that its proposal has been approved, the community college shall finalize an agreement with the regionally accredited, public or nonpublic, 4 year postsecondary institution selected to provide the upper level instructional services in the approved baccalaureate degree program. The commission shall identify the common aspects that each agreement must address, including, but not limited to:

(a)—A course delivery pattern based on the student enrollment patterns and characteristics included in the approved proposal.

(b)—An articulation provision that guarantees acceptance of students who hold an associate in arts or associate in science degree and satisfy any other prerequisites for admission to the specific baccalaureate degree program.

(c)—The provision of library services and student support services.

(d)—An agreement that the participating 4 year postsecondary institution will continue offering instructional services at least until all qualified members of the initial group of students have had an opportunity to complete the degree program.

(e)—The specific and measurable performance criteria that the Postsecondary Education Planning Commission may use to evaluate the outcomes and outputs of the baccalaureate degree program within an identified timeframe.

(f)—An agreement that in state student tuition for the degree program will not exceed the matriculation fee for the State University System unless the proposal approved by the Postsecondary Education Planning Commission allows the participating institutions to charge differentiated tuition and fees to encourage student attendance and participation. Out of state students shall pay full costs. Notwithstanding s. 240.605, students participating in a site determined baccalaureate degree program may not receive a Florida Resident Access Grant.

(6)—Each participating community college must submit the agreement required by this section to the Postsecondary Education Planning Commission for review and final approval before initiating an approved site determined baccalaureate degree access program. Subject to the availability of legislative appropriations specifically provided for this purpose, the Postsecondary Education Planning Commission must recommend to the Commissioner of Education the total funds to be released to each participating community college for the initiation of the approved site determined baccalaureate degree access program. The community college shall distribute funds to the participating 4 year postsecondary institution at the rate specified in the approved agreement. The Postsecondary Education Planning Commission shall not recommend the release of funding for any program that is terminated before or after the evaluation required by this section. The total funds to be released for the initiation of an approved program shall be based on the number of fundable upper level student credit hours for each term. Unless otherwise provided in an appropriations act, the funding per credit hour shall be an amount equal to the state funds, excluding student fees, appropriated to the State University System for each full time equivalent student enrolled in upper level course work. Student credit hours funded under this program may not be duplicated in any other calculation of state funding for the 4 year institution.

(7)—The Postsecondary Education Planning Commission may require the participating community colleges and 4 year postsecondary institutions to submit information necessary to monitor the annual performance of the program. Within 90 days after the 2nd and 4th year of the

site determined baccalaureate degree access program, the commission shall submit to the chairs of the education and fiscal committees of the Legislature a progress report, including an evaluation of the funding mechanism created by this section. The commission shall review each site determined baccalaureate degree access program funded under this section to ascertain whether the performance measures specified in the agreement between the participating community college and the 4 year institution have been met. Each program must be reviewed 4 years after initiation unless a shorter timeframe is specified in the agreement. The performance measures must include the student graduation rate, the employment rate of program graduates both within and outside the community college service area, the continuing need to offer the specific baccalaureate degree program in the community college service area, and such other information as the Postsecondary Education Planning Commission may determine necessary for program and performance evaluation. Based on its evaluation, the commission shall either approve continuation of the program, require modifications prior to program approval, or recommend that the participating institutions terminate the program after all qualified members of the initial group of students have an opportunity to complete the degree program. The commission must submit to the Commissioner of Education for inclusion in the legislative budget a request for funding for approved site determined baccalaureate degree access programs.

(8)—If no accredited 4 year institution is willing to provide a baccalaureate degree program approved by the Postsecondary Education Planning Commission under this section, the community college board of trustees may ask the commission to evaluate the college's request to offer the degree program. If the commission is satisfied that the community college should offer the degree program, it shall recommend to the Legislature the enactment of statutory authority for the community college to offer that specific baccalaureate degree program.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs;

Senator Sullivan offered the following amendment which was moved by Senator Sebesta:

Amendment 2 (171796)(with title amendment)—On page 2, line 21, insert:

Section 1. Subsection (5) of section 240.2011, Florida Statutes, is amended to read:

240.2011 State University System defined.—The State University System shall consist of the following:

(5) The University of South Florida, with a main campus located in Hillsborough County and a fiscally autonomous campus in Pinellas County, named the University of South Florida St. Petersburg.

Section 2. Section 240.527, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 240.527, F.S., for present text.)

240.527 The University of South Florida St. Petersburg.—

(1) The St. Petersburg campus of the University of South Florida is established and shall be known as the "University of South Florida St. Petersburg."

(a) The Legislature intends that the University of South Florida St. Petersburg be operated and maintained as a separate organizational and budget entity of the University of South Florida, and that all legislative appropriations for the University of South Florida St. Petersburg be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida St. Petersburg shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than the effective date of this act, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of

South Florida St. Petersburg. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) *The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, five residents of Pinellas County. If a resident of Pinellas County is appointed to the Board of Trustees of the University of South Florida, the board shall appoint that member to serve jointly as a member of the Campus Board. If more than one Pinellas County resident is appointed to the Board of Trustees, the board shall select one joint member. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:*

(a) *Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.*

(b) *Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Florida Legislature for the University of South Florida St. Petersburg Campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.*

(c) *Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the St. Petersburg campus cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the St. Petersburg campus.*

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) *The University of South Florida St. Petersburg shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:*

(a) *Administer campus operations within the annual operating budget as approved by the Campus Board.*

(b) *Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.*

(c) *Recommend to the Campus Board an annual campus operating budget.*

(d) *Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.*

(e) *Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.*

(4) *Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South*

Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) *The following entities are not affected by this section and remain under the administrative control of the University of South Florida:*

(a) *The University of South Florida College of Marine Science, which is a component college of the main campus.*

(b) *The Florida Institute of Oceanography, which is a Type One Institute.*

(c) *The University of South Florida Pediatric Research Center.*

(d) *The University of South Florida/USGS joint facility.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 240.2011, F.S.; creating a fiscally autonomous campus of the University of South Florida; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions;

MOTION

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

Senator Sullivan moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (191200)—On page 5, line 20, insert:

(6) *Nothing contained within this section shall be construed to adversely impact the accreditation of the University of South Florida.*

Amendment 2 as amended was adopted.

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

Amendment 3 (755010)—On page 6, lines 14 and 15, delete “*the St. Petersburg College service area*” and insert: *Pinellas County*

On motion by Senator Sullivan, further consideration of **CS for SB 1190** as amended was deferred.

On motion by Senator Wasserman Schultz—

CS for SB 1692—A bill to be entitled An act relating to greyhound adoptions; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term “bona fide organization that promotes or encourages the adoption of greyhounds”; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendments which were moved by Senator Wasserman Schultz and failed:

Amendment 1 (220788)—On page 2, lines 6-8, delete those lines and insert: *personnel or volunteers from a bona fide organization that promotes or encourages the adoption of grey hounds pursuant to s. 550.1647. As used in this*

Amendment 2 (022168)(with title amendment)—On page 4, line 10, after the period (.) insert: *Such bona fide organization, as a condition of adoption, must provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of adoption.*

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: requiring sterilization of greyhounds prior to adoption;

Senator Wasserman Schultz moved the following amendment:

Amendment 3 (810814)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Greyhound adoptions.*—

(1) *Each dogracing permitholder operating a dogracing facility in this state shall provide for a greyhound-adoption booth to be located at the facility. The greyhound-adoption booth must be operated on weekends by personnel or volunteers from a bona fide organization that promotes or encourages the adoption of greyhounds pursuant to section 550.1647, Florida Statutes. As used in this section, the term "weekend" includes the hours during which live greyhound racing is conducted on Friday, Saturday, or Sunday. Information pamphlets and application forms shall be provided to the public upon request. In addition, the kennel operator or owner shall notify the permitholder that a greyhound is available for adoption and the permitholder shall provide information concerning the adoption of a greyhound in each race program and shall post adoption information at conspicuous locations throughout the dogracing facility. Any greyhound that is participating in a race and that will be available for future adoption must be noted in the race program. The permitholder shall allow greyhounds to be walked through the track facility to publicize the greyhound-adoption program.*

(2) *In addition to the charity days authorized under section 550.0351, Florida Statutes, a greyhound permitholder may fund the greyhound-adoption program by holding a charity racing day designated as "Greyhound Adopt-A-Pet Day." All profits derived from the operation of the charity day must be placed into a fund used to support activities at the racing facility which promote the adoption of greyhounds. The division may adopt rules for administering the fund. Proceeds from the charity day authorized in this subsection may not be used as a source of funds for the purposes set forth in section 550.1647, Florida Statutes.*

(3)(a) *Upon a violation of this section by a permitholder or licensee, the division may impose a penalty as provided in section 550.0251(10), Florida Statutes, and require the permitholder to take corrective action.*

(b) *A penalty imposed under section 550.0251(10), Florida Statutes, does not exclude a prosecution for cruelty to animals or for any other criminal act.*

Section 2. Section 550.1647, Florida Statutes, is amended to read:

550.1647 Greyhound permitholders; unclaimed tickets; breaks.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any permitholder authorized to conduct greyhound racing pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that period of time, shall, with respect to live races conducted by the permitholder, be remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state fiscal year in an amount equal to the actual amount remitted in the prior state fiscal year which may be applied against any taxes imposed pursuant to this chapter. In addition, each permitholder shall pay, from any source, including the proceeds from performances conducted pursuant to s.

550.0351, an amount not less than 10 percent of the amount of the credit provided by this section to any bona fide organization that promotes or encourages the adoption of greyhounds. *As used in this section, the term "bona fide organization that promotes or encourages the adoption of greyhounds" means any organization that provides evidence of compliance with chapter 496 and possesses a valid exemption from federal taxation issued by the Internal Revenue Service. Such bona fide organization, as a condition of adoption, must provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of adoption.*

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to pari-mutuel wagering; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as "Greyhound Adopt-A-Pet Day"; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term "bona fide organization that promotes or encourages the adoption of greyhounds"; providing an effective date.

Senator Lee moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (150452)(with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. *This act may be cited as the "Debbie Wasserman Schultz Act."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 3, after the semicolon (;) insert: providing a title;

Amendment 3 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1692** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 1126—A bill to be entitled An act relating to nonprofit civic organizations; amending s. 561.422, F.S.; authorizing nonprofit civic organizations to purchase alcoholic beverage permits for three events per calendar year; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1126** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 2042—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term "new construction"; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified class-

room training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; repealing s. 482.211(11), F.S., which provides an exemption from regulation for certain yard workers; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendments which were adopted:

Amendment 1 (133470)—On page 5, line 4, delete “*immediately*”

Amendment 2 (603026)(with title amendment)—On page 7, between lines 5 and 6, insert:

Section 7. Subsection (1) of section 482.242, Florida Statutes, is amended to read:

482.242 Preemption.—

(1) This chapter is intended as comprehensive and exclusive regulation of pest control in this state. The provisions of this chapter preempt to the state all regulation of the activities and operations of pest control services, including the pesticides used pursuant to labeling and registration approved under chapter 487. No local government or political subdivision of the state may enact or enforce an ordinance that regulates pest control, except that the preemption in this section does not prohibit a local government or political subdivision from enacting an ordinance regarding any of the following:

(a) Local occupational licenses adopted pursuant to chapter 205.

(b) Land development regulations adopted pursuant to chapter 163 which include regulation of any aspect of development, including a subdivision, building construction, sign regulation or any other regulation concerning the development of land, or landscaping or tree protection ordinances which do not include pesticide application restrictions.

(c) *Regulations that:*

1. *Require annual termite inspections for termite activity or damage, including Formosan termites, which must be performed by a person licensed under this chapter.*

2. *Require pest control treatments of structures that have termite activity or damage, which must be performed by a person licensed under this chapter.*

3. *Require property owners or other persons to obtain inspections or pest control treatments performed by a person licensed under this chapter.*

An ordinance by a local government or political subdivision which requires an annual inspection or pest control treatment must conform to current law.

(d)(e) Protection of wellhead protection areas and high recharge areas.

(e)(d) Hazardous materials reporting as set forth in part II of chapter 252, storage, and containment including as relating to stormwater management.

(f)(e) Hazardous material unlawful discharge and disposal.

(g)(f) Hazardous materials remediation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation;

Amendment 3 (540418)(with title amendment)—On page 7, lines 6 and 7, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 21-23, delete those lines and insert: multiple business locations;

Pursuant to Rule 4.19, **CS for SB 2042** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

SB 916—A bill to be entitled An act relating to state veterans' homes; amending ss. 296.04, 296.34, F.S.; revising provisions relating to the appointment and duties of the veterans' homes' administrators; defining the duties of the administrators; deleting a residency requirement; revising the employment status of employees; amending s. 296.11, F.S.; deleting a requirement that certain interest be deposited into the Grants and Donations Trust Fund; amending s. 296.12, F.S.; requiring an accounting of certain funds in the Residents' Deposits Trust Fund and deleting a requirement that interest accrued in the fund be deposited into the Grants and Donations Trust Fund; amending s. 296.38, F.S.; requiring the accounting of certain funds; deleting a requirement that interest accrued be deposited into the Grants and Donations Trust Fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 916** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

SB 1424—A bill to be entitled An act relating to real estate professionals; amending s. 475.25, F.S.; providing an exception to provisions governing the return of escrowed personal property; amending s. 475.22, F.S.; requiring supervisors of registered assistant real estate appraisers to sign appraisals and make certain disclosures; creating s. 475.6221, F.S.; requiring registered assistant real estate appraisers to be supervised by licensed or certified appraisers; providing supervisory guidelines; prohibiting direct payments for services to registered assistant real estate appraisers with the supervising appraiser's agreement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1424** was placed on the calendar of Bills on Third Reading.

SCR 2106—A concurrent resolution naming the legislative clinic in honor of Dr. Edward G. Haskell, Jr.

WHEREAS, Dr. Edward G. Haskell, Jr., founded the concept of health care for stressed-out, time-pressed legislators by voluntarily serving their health care needs during sessions of the Legislature in the mid and late 1960's, and

WHEREAS, Dr. Haskell was the philosophical designer of the concept of a legislative clinic and the “Doctor for the Day” program during legislative sessions, and

WHEREAS, the first legislative clinic opened early in 1967 in an unused portion of a supply room serving the Florida House of Representatives, and

WHEREAS, a terrible outbreak of influenza in 1967 and the passage of Senate Bill 135-X, Extraordinary Session, January 29, 1968, to February 16, 1968 which created the Joint Legislative Management Committee, combined to make a permanent fixture of the legislative clinic, and

WHEREAS, in the first few years of its existence, Dr. Haskell offered invaluable assistance to the clinic and its patients by lending his time, advice, and prescription support, NOW, THEREFORE,

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

That the legislative clinic, established in 1967, is named the “Dr. Ed Haskell Legislative Clinic.”

BE IT FURTHER RESOLVED that the members of the 2001 Legislature of the State of Florida express their gratitude to Dr. Edward G. Haskell, Jr., for his pioneering leadership and unselfish contributions to the health of colleagues of the past and for his perseverance in helping to establish the legislative clinic.

—was read the second time in full.

On motions by Senator Peaden, **SCR 2106** was adopted and by two-thirds vote immediately certified to the House.

On motion by Senator Silver—

CS for SB 2110—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendments which were adopted:

Amendment 1 (465908)(with title amendment)—On page 1, line 12, insert:

Section 1. Section 409.905, Florida Statutes, is amended to read:

409.905 **Mandatory Medicaid services.**—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. *Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency.* Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(1) **ADVANCED REGISTERED NURSE PRACTITIONER SERVICES.**—The agency shall pay for services provided to a recipient by a licensed advanced registered nurse practitioner who has a valid collaboration agreement with a licensed physician on file with the Department of Health or who provides anesthesia services in accordance with established protocol required by state law and approved by the medical staff of the facility in which the anesthetic service is performed. Reimbursement for such services must be provided in an amount that equals not less than 80 percent of the reimbursement to a physician who provides the same services, unless otherwise provided for in the General Appropriations Act.

(2) **EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT SERVICES.**—The agency shall pay for early and periodic screening and diagnosis of a recipient under age 21 to ascertain physical and mental problems and conditions and provide treatment to correct or ameliorate these problems and conditions. These services include all services determined by the agency to be medically necessary for the treatment, correction, or amelioration of these problems, including personal care, private duty nursing, durable medical equipment, physical therapy, occupational therapy, speech therapy, respiratory therapy, and immunizations.

(3) **FAMILY PLANNING SERVICES.**—The agency shall pay for services necessary to enable a recipient voluntarily to plan family size or to space children. These services include information; education; counseling regarding the availability, benefits, and risks of each method of pregnancy prevention; drugs and supplies; and necessary medical care and followup. Each recipient participating in the family planning portion of the Medicaid program must be provided freedom to choose any alternative method of family planning, as required by federal law.

(4) **HOME HEALTH CARE SERVICES.**—The agency shall pay for nursing and home health aide services, supplies, appliances, and durable medical equipment, necessary to assist a recipient living at home. An

entity that provides services pursuant to this subsection shall be licensed under part IV of chapter 400 or part II of chapter 499, if appropriate. These services, equipment, and supplies, or reimbursement therefor, may be limited as provided in the General Appropriations Act and do not include services, equipment, or supplies provided to a person residing in a hospital or nursing facility. In providing home health care services, the agency may require prior authorization of care based on diagnosis.

(5) **HOSPITAL INPATIENT SERVICES.**—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(a) The agency is authorized to implement reimbursement and utilization management reforms in order to comply with any limitations or directions in the General Appropriations Act, which may include, but are not limited to: prior authorization for inpatient psychiatric days; enhanced utilization and concurrent review programs for highly utilized services; reduction or elimination of covered days of service; adjusting reimbursement ceilings for variable costs; adjusting reimbursement ceilings for fixed and property costs; and implementing target rates of increase.

(b) A licensed hospital maintained primarily for the care and treatment of patients having mental disorders or mental diseases is not eligible to participate in the hospital inpatient portion of the Medicaid program except as provided in federal law. However, the department shall apply for a waiver, within 9 months after June 5, 1991, designed to provide hospitalization services for mental health reasons to children and adults in the most cost-effective and lowest cost setting possible. Such waiver shall include a request for the opportunity to pay for care in hospitals known under federal law as “institutions for mental disease” or “IMD’s.” The waiver proposal shall propose no additional aggregate cost to the state or Federal Government, and shall be conducted in Hillsborough County, Highlands County, Hardee County, Manatee County, and Polk County. The waiver proposal may incorporate competitive bidding for hospital services, comprehensive brokering, prepaid capitated arrangements, or other mechanisms deemed by the department to show promise in reducing the cost of acute care and increasing the effectiveness of preventive care. When developing the waiver proposal, the department shall take into account price, quality, accessibility, linkages of the hospital to community services and family support programs, plans of the hospital to ensure the earliest discharge possible, and the comprehensiveness of the mental health and other health care services offered by participating providers.

(c) Agency for Health Care Administration shall adjust a hospital’s current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if:

1. The hospital experiences an increase in Medicaid caseload by more than 25 percent in any year, primarily resulting from the closure of a hospital in the same service area occurring after July 1, 1995; or

2. The hospital’s Medicaid per diem rate is at least 25 percent below the Medicaid per patient cost for that year.

No later than November 1, 2000, the agency must provide estimated costs for any adjustment in a hospital inpatient per diem pursuant to this paragraph to the Executive Office of the Governor, the House of Representatives General Appropriations Committee, and the Senate Budget Committee. Before the agency implements a change in a hospital’s inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the 2001-2002 General Appropriations Act to support the increase in cost as estimated by the agency. This paragraph is repealed on July 1, 2001.

(6) **HOSPITAL OUTPATIENT SERVICES.**—The agency shall pay for preventive, diagnostic, therapeutic, or palliative care and other services provided to a recipient in the outpatient portion of a hospital licensed under part I of chapter 395, and provided under the direction of a licensed physician or licensed dentist, except that payment for such care and services is limited to \$1,500 per state fiscal year per recipient, unless an exception has been made by the agency, and with the excep-

tion of a Medicaid recipient under age 21, in which case the only limitation is medical necessity.

(7) INDEPENDENT LABORATORY SERVICES.—The agency shall pay for medically necessary diagnostic laboratory procedures ordered by a licensed physician or other licensed practitioner of the healing arts which are provided for a recipient in a laboratory that meets the requirements for Medicare participation and is licensed under chapter 483, if required.

(8) NURSING FACILITY SERVICES.—The agency shall pay for 24-hour-a-day nursing and rehabilitative services for a recipient in a nursing facility licensed under part II of chapter 400 or in a rural hospital, as defined in s. 395.602, or in a Medicare certified skilled nursing facility operated by a hospital, as defined by s. 395.002(11), that is licensed under part I of chapter 395, and in accordance with provisions set forth in s. 409.908(2)(a), which services are ordered by and provided under the direction of a licensed physician. However, if a nursing facility has been destroyed or otherwise made uninhabitable by natural disaster or other emergency and another nursing facility is not available, the agency must pay for similar services temporarily in a hospital licensed under part I of chapter 395 provided federal funding is approved and available.

(9) PHYSICIAN SERVICES.—The agency shall pay for covered services and procedures rendered to a recipient by, or under the personal supervision of, a person licensed under state law to practice medicine or osteopathic medicine. These services may be furnished in the physician's office, the Medicaid recipient's home, a hospital, a nursing facility, or elsewhere, but shall be medically necessary for the treatment of an injury, illness, or disease within the scope of the practice of medicine or osteopathic medicine as defined by state law. The agency shall not pay for services that are clinically unproven, experimental, or for purely cosmetic purposes.

(10) PORTABLE X-RAY SERVICES.—The agency shall pay for professional and technical portable radiological services ordered by a licensed physician or other licensed practitioner of the healing arts which are provided by a licensed professional in a setting other than a hospital, clinic, or office of a physician or practitioner of the healing arts, on behalf of a recipient.

(11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay for outpatient primary health care services for a recipient provided by a clinic certified by and participating in the Medicare program which is located in a federally designated, rural, medically underserved area and has on its staff one or more licensed primary care nurse practitioners or physician assistants, and a licensed staff supervising physician or a consulting supervising physician.

(12) TRANSPORTATION SERVICES.—The agency shall ensure that appropriate transportation services are available for a Medicaid recipient in need of transport to a qualified Medicaid provider for medically necessary and Medicaid-compensable services, provided a client's ability to choose a specific transportation provider shall be limited to those options resulting from policies established by the agency to meet the fiscal limitations of the General Appropriations Act. The agency may pay for transportation and other related travel expenses as necessary only if these services are not otherwise available.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to Medicaid services; amending s. 409.905, F.S.; providing that the Agency for Health Care Administration may restrict the provision of mandatory services by mobile providers; amending s.

Amendment 2 (935158)—On page 2, lines 14-23 and on page 4, lines 4-13, delete those lines and insert:

(a) *Owned by, operated by, or having a contractual agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.*

(b) *Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.*

(c) *Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.*

(d) *Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.*

Pursuant to Rule 4.19, **CS for SB 2110** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 968** was deferred.

On motion by Senator Dyer—

SB 428—A bill to be entitled An act relating to construction contracting; amending s. 489.13, F.S.; providing for issuance of a notice of non-compliance, imposition of an administrative fine, and assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting; specifying that such remedies are not exclusive; providing for uses of fine proceeds; requiring the Department of Business and Professional Regulation to create a web page on its Internet website dedicated to listing known information concerning unlicensed contractors; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 428** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

SB 520—A bill to be entitled An act relating to reading instruction; providing legislative intent regarding required reading instruction; requiring each public elementary school to develop and implement programs for reading and literacy development in kindergarten through grade 4; requiring the Department of Education to provide technical support; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 520** was placed on the calendar of Bills on Third Reading.

SB 1412—A bill to be entitled An act relating to child restraint requirements; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Posey:

Amendment 1 (152972)—On page 1, lines 16-25, delete those lines and insert: *the child is 8 ½ years of age or younger, and is less than 4 feet 9 inches in height*, provide for protection of the child by properly using a crash-tested, federally approved child restraint device. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 8 ½ years *who are less than 4 feet 9 inches in height*, a separate carrier, an integrated

On motion by Senator Posey, further consideration of **SB 1412** with pending **Amendment 1** was deferred.

On motion by Senator Sullivan, the Senate resumed consideration of—

CS for SB 1190—A bill to be entitled An act relating to higher education; providing Legislative intent; redesignating St. Petersburg Junior College as "St. Petersburg College"; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number;

establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an effective date.

—which was previously considered and amended this day.

Senator Sullivan moved the following amendment which was adopted:

Amendment 4 (671846)(with title amendment)—On page 2, between lines 21 and 22, insert:

Section 1. Effective July 1, 2001, subsection (5) of section 240.2011, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

240.2011 State University System defined.—The State University System shall consist of the following:

(5) The University of South Florida, with a main campus located in Hillsborough County and two fiscally autonomous campuses, one in Pinellas County, named the University of South Florida St. Petersburg, and the other named the University of South Florida Sarasota/Manatee.

(12) New College of Florida, located in Sarasota County, which is the 4-year residential liberal arts honors college of the state of Florida.

Section 2. The University of South Florida Sarasota/Manatee.—

(1) The Sarasota/Manatee campus of the University of South Florida is established and shall be known as the “University of South Florida Sarasota/Manatee.”

(a) The Legislature intends that the University of South Florida Sarasota/Manatee be operated and maintained as a separate organizational and budget entity of the University of South Florida and that all legislative appropriations for the University of South Florida Sarasota/Manatee be set forth as separate line items in the annual General Appropriations Act.

(b) The University of South Florida Sarasota/Manatee shall have a Campus Board and a Campus Executive Officer.

(c) As soon as possible, but no later than July 1, 2002, the President of the University of South Florida shall begin the process of application to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation of the University of South Florida Sarasota/Manatee. If the application is not approved or is provisionally approved, the University of South Florida shall correct any identified deficiencies and shall continue to work for accreditation.

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, three residents of Manatee County and two residents of Sarasota County, to serve 4-year staggered terms. If one or more residents of Sarasota County or Manatee County is appointed to the Board of Trustees of the University of South Florida, the board shall, at the next vacancy of the campus board, appoint one of those members to serve jointly as a member of the Campus Board. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the Florida Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Florida Legislature for the University of South Florida Sarasota/Manatee Campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the campus at Sarasota/Manatee cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the Sarasota/Manatee campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida Sarasota/Manatee shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) Promote technology transfer between the research operations of the University of South Florida and local economic development agencies.

Section 3. New College of Florida.—

(1) Mission and goals.—As a member of the State University System of Florida, New College of Florida preserves its distinctive mission as a residential liberal arts honors college. To maintain this mission, New College of Florida has the following goals:

(a) To provide a quality education to students of high ability who, because of their ability, deserve a program of study that is both demanding and stimulating.

(b) To engage in undergraduate educational reform by combining educational innovation with educational excellence.

(c) To provide programs of study that allow students to design their educational experience as much as possible in accordance with their individual interests, values, and abilities.

(d) To challenge undergraduates not only to master existing bodies of knowledge but also to extend the frontiers of knowledge through original research.

(2) *Accreditation.*—As soon as possible, New College of Florida shall apply to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation.

(3) *Board of Trustees.*—The Governor shall appoint 11 members to the Board of Trustees, to serve 4-year staggered terms, as follows:

(a) Three residents of Sarasota County.

(b) Two residents of Manatee County.

(c) Until the expiration date of the terms of office of the members who are on the board June 30, 2001, six members shall be selected from the Board of Trustees of the New College Foundation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: adding to the State University System the New College in Sarasota; creating fiscally autonomous campuses of the University of South Florida; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida;

Pursuant to Rule 4.19, **CS for SB 1190** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, the Senate resumed consideration of—

SB 1412—A bill to be entitled An act relating to child restraint requirements; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator King, the rules were waived and time of recess was extended until completion of **SB 1412**, motions and announcements.

Pending **Amendment 1 (152972)** by the Committee on Transportation failed.

Pursuant to Rule 4.19, **SB 1412** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, by two-thirds vote **CS for SB 302** which has been reported favorably by the Appropriations Subcommittee on Education with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **SB 2168** was withdrawn from the Committee on Appropriations Subcommittee on General Government.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Campbell, the rules were waived and the Committee on Regulated Industries was granted permission to add **CS for SB 2014** to the agenda at the meeting on April 19.

On motion by Senator Lee, the rules were waived and the Committee on Appropriations Subcommittee on Education was granted permission to meet April 19 upon recess for 1 and 1/2 hours to consider **CS for SB 2108** and **CS for SB 1640**.

MOTIONS

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 19.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 18, 2001: CS for CS for SB 400, SB 462, SB 1166, CS for SB 1210, SB 532, SB 540, CS for SB 800, CS for SB 866, CS for SB 360, SB 766, SB 518, SB 1198, SB 2104, CS for SB 1518, CS for CS for SB 1258, CS for SB 452, CS for CS for SB 1016, CS for SB 1506, SB 1644, CS for SB 972, CS for SB 354, CS for SB 684, CS for SB's 1442 and 1570, SB 666, CS for SB 924, SB 654, CS for SB 634, SB 672, CS for SB 1722, SB 1840, SB 1036, SB 1212, SB 1126, CS for SB 1692, CS for SB 1190, CS for SB 2042, SB 916, SB 1424, SCR 2106, CS for SB 2110, SB 968, SB 428, SB 520, SB 1412, CS for SB 828, SB 226, SB 1834, CS for SB 202

Respectfully submitted,
Tom Lee, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 20, 2001: CS for SB 1012, CS for CS for CS for SB's 1526 and 314, CS for SB 2060, SB 1636, CS for SB 1704, CS for CS for SB's 1970 and 164, CS for SB 1284, CS for SB 772, CS for SB 444, CS for SB 718, CS for SB 1226, CS for SB 1468, SB 344, SB 1522, SB 210, SB 1400, SB 136, SB 122, CS for CS for SB 268, SB 514, SB 274, CS for SB 886, CS for SB 834, CS for SB 840, CS for CS for SB 784, SB 1714

Respectfully submitted,
Tom Lee, Chairman

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2004

The Committee on Education recommends the following pass: SB 1488 with 2 amendments, SB 1532, SB 1710

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 370 with 1 amendment, SB 638 with 1 amendment, SB 878

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

The Committee on Agriculture and Consumer Services recommends the following pass: CS for CS for SB 442 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1740 with 2 amendments, CS for SB 1744 with 1 amendment

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 694, SB 1738

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 356, SB 1298 with 1 amendment, SB 1428, SB 2126 with 1 amendment, CS for SB 2224 with 11 amendments

The Committee on Transportation recommends the following pass: SB 2204 with 1 amendment

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

The Committee on Education recommends the following pass: SB 1618

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1290 with 1 amendment

The Committee on Health, Aging and Long-Term Care recommends the following pass: CS for SB 1724, SJR 2236, SB 2248

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Education recommends the following pass: SB 1498

The Committee on Transportation recommends the following pass: SB 1630 with 1 amendment

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2020 with 1 amendment

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

The Committee on Judiciary recommends the following pass: SB 2028 with 6 amendments

The Committee on Transportation recommends the following pass: SB 716

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1980

The Committee on Transportation recommends the following pass: SB 1232

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

The Committee on Education recommends the following pass: SB 2046

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 1454

The Committee on Transportation recommends the following pass: SB 1238

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

The Committee on Banking and Insurance recommends the following pass: SB 2122

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1560 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 2142 with 1 amendment

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

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 904, SB 1200, CS for SB 1280, SB 1314 with 2 amendments, SB 2022 with 5 amendments, CS for SB 2124

The bills were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2240 with 1 amendment

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

The Committee on Agriculture and Consumer Services recommends the following pass: CS for SB 2034

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 1268

The Committee on Education recommends the following pass: CS for SB 1256

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB's 182, 328 and 970, CS for SB 962, SB 1132, SB 1148 with 1 amendment, SB 1344, SB 1400

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

The Committee on Health, Aging and Long-Term Care recommends the following not pass: SB 2030

The bill was laid on the table.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 466

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1202

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2014

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 1614

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 892, SB 894

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1664

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1902

The Committee on Transportation recommends a committee substitute for the following: SB 1514

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 Judiciary recommends a committee substitute for the following: SB 1528

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1772

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1762

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2118

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

The Committee on Judiciary recommends a committee substitute for the following: SB 2214

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1458

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1848

The Committee on Transportation recommends a committee substitute for the following: SB 2056

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 Banking and Insurance recommends a committee substitute for the following: Senate Bills 1960 and 1760

The Committee on Children and Families recommends a committee substitute for the following: SB 1608

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Transportation recommends committee substitutes for the following: SB 1090, SB 1296

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2064

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2032

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1610

The Committee on Children and Families recommends a committee substitute for the following: SB 1284

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

The Special Master on Claims recommends the following not pass: SB 70

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Dawson—

SB 2310—A bill to be entitled An act relating to the City of Pompano Beach, Broward County; amending chapter 2000-476, Laws of Florida; providing for an interlocal agreement which would include provisions to jointly fund program infrastructure improvements between the City of Pompano Beach and Broward County, provided the city is not limited in its ability to receive anticipated utility taxes, franchise fees, or other fees; providing that calculations of population census of the City of Pompano Beach begin with the fiscal year 2000 and include all new residents added to the city as a result of chapter 2000-476, Laws of Florida; providing for retroactive application to September 15, 2000; providing an effective date.

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Appropriations; and Senator Sullivan—

CS for SB 118—A bill to be entitled An act relating to the College Fast Start Program; creating s. 239.515, F.S.; establishing the College Fast Start Program; providing legislative intent; defining terms; providing procedures for application to participate in the program; providing guidelines for program approval; providing requirements for approved programs; requiring an advisory council to review proposals and recommend an order of priority for funding; providing membership of the advisory council; providing for funding of the program; providing methodology for competitive funding of approved programs; providing requirements for the continuation of funding for programs; requiring an interim report to the Florida Governor's Alliance for the Employment of Disabled Citizens; requiring an annual end-of-the-year report to the alliance; requiring the alliance and the Postsecondary Education Planning Commission to develop specifications and procedures for the transmission of such data; requiring the alliance to report to the Governor, the Legislature, and the Commissioner of Education annually on the effectiveness of the program; providing an effective date.

By the Committee on Appropriations; and Senators Pruitt and Horne—

CS for SB 302—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the “Higher Educational Facilities Financing Act”; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

By the Committees on Appropriations; Criminal Justice; and Senators Clary and Smith—

CS for CS for SB 306—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim’s parent, guardian, next of kin, or lawful representative be notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim’s parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a victim’s parent, guardian, or representative be allowed to be informed, present, and heard in a criminal or juvenile proceeding; requiring that a crime victim or witness be informed of the address confidentiality program; requiring notice when an inmate is approved for community work release; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; prescribing standing of certain persons to assert a victim’s rights; amending s. 921.143, F.S.; prescribing the right of the parent or guardian of a minor victim, or the lawful representative of any of them, to appear and make a statement at a sentencing hearing; amending s. 944.606, F.S.; requiring notification of the victim, the victim’s parent or guardian when the victim is a minor, the lawful representative of any of them, or the next of kin of a homicide victim when a sexual offender is being released; amending s. 948.10, F.S.; requiring notification of the victim, the victim’s parent or guardian when the victim is a minor, or the next of kin of a homicide victim when an offender is placed on community control; amending s. 960.28, F.S.; prohibiting a medical provider who performs an initial forensic examination from billing the parent or guardian of a minor victim for that examination; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission; providing for governance of the commission; providing for a State Council for Interstate Adult Offender Supervision; providing for membership of the state council; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term “state” for purposes of the compact; creating s. 949.072, F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the “Interstate Compact for Adult Offender Supervision”; providing an effective date.

By the Committees on Appropriations; Criminal Justice; and Senators Villalobos and Smith—

CS for CS for SB 366—A bill to be entitled An act relating to DNA evidence; creating s. 925.11, F.S.; providing for the examination of DNA evidence collected at the time a crime is investigated; providing a procedure under which a defendant who has been found guilty may petition the trial court to order an examination of DNA evidence; providing guidelines for seeking postsentencing DNA testing; requiring that the court make certain findings; providing for right to appeal; creating s. 943.3251, F.S.; prescribing duties of the Department of Law Enforcement with respect to postsentencing DNA testing; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Garcia, Sanderson and Bronson—

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or waivers to attend community colleges under specified circumstances; requiring the Department of Management Services to adopt rules; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term “layoff”; defining the term “firefighter” and “law enforcement or correctional officer”; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; repealing ss. 110.207, 110.209, F.S., relating to the career service classification plan and pay plan; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary period for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; authorizing suspension or dismissal of employees who have permanent status for reasonable cause; defining the term “reasonable cause”; providing certain exceptions; establishing grievance procedures; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management;

amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708, 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 509.036, F.S.; revising the standard under which an inspector of public food service establishments may be suspended or dismissed; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; providing that the Public Employees Relations Commission is not subject to the control of the Department of Management Services; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.503, F.S.; revising the standard for reinstating an employee who is suspended or discharged; amending s. 447.507, F.S.; revising requirements for the probation served by a public employee; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; repealing ss. 944.35(3)(c), 985.4045(1)(b), F.S., relating to cause for dismissal from employment by the Department of Corrections or the Department of Juvenile Justice; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Department of Management Services; transferring records, personnel, property, balances of appropriations, and other funds; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; providing effective dates.

By the Committees on Appropriations; and Children and Families—

CS for CS for SB 858—A bill to be entitled An act relating to domestic violence; requiring the Department of Children and Family Services to provide training on domestic violence and child protection to specified professionals by a specified date; providing for the content of training; requiring the department to assess the need for special training of staff members and professionals who interact with families in which there is domestic violence and child abuse; requiring collaboration with other groups and state agencies; requiring a report to the Governor and the Legislature; requiring the department to conduct pilot programs in which department staff perform the role of domestic violence consultants participating in protective investigative units; specifying duties of the consultants; specifying qualifications and minimum numbers of such consultants per county; providing for compensation; requiring the department to collect and analyze data on the effectiveness of the domestic violence consultants; requiring a report to the Governor and the Legislature; providing guidelines for administrative rules or operating procedures relating to protective investigations of families in which domestic violence exists; requiring the department to form a work group concerned with the procedures for identifying perpetrators of child abuse; requiring a report to the Governor and the Legislature; amending s. 741.30, F.S.; requiring batterer's intervention programs to provide to the court certain documents for the case file; providing prerequisites to dissolving an injunction against a respondent in a domestic violence case; requiring the Office Of Program Policy Analysis and Government Accountability to conduct an examination of the batterer's intervention programs; specifying requirements of the study; requiring consultation with key stakeholders; providing for phase I and phase II reports to the

Legislature; amending s. 39.903, F.S.; revising the duties of the department with respect to domestic violence; amending s. 39.904, F.S.; amending the list of subject matter to be included in the department's annual report to the Legislature on the status of domestic violence cases; providing an appropriation for districtwide joint training of domestic violence center and child protection staff; providing an effective date.

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

CS for SB 892—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for identifying information relating to a database for deferred presentment providers which is created and maintained by the Department of Banking and Finance under s. 560.404, F.S.; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

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

CS for SB 894—A bill to be entitled An act relating to public records; creating s. 229.0055, F.S.; providing an exemption from public-records requirements for identifying information regarding applicants for the position of Commissioner of Education, president of a state university, or president of a public community college until a candidate is nominated; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Transportation; and Senator Villalobos—

CS for SB 1090—A bill to be entitled An act relating to motor vehicle dealer franchise agreements; amending s. 320.60, F.S.; revising definitions used in ss. 320.61-320.70, F.S.; amending s. 320.61, F.S.; amending procedures to be followed when a complaint of unfair cancellation of a dealer agreement has been made by a motor vehicle dealer against a licensee; defining the term "final decision"; amending s. 320.64, F.S.; revising provisions relating to the denial, suspension, or revocation of a license; amending s. 320.641, F.S.; providing procedures relating to discontinuations, cancellations, nonrenewals, modifications, and replacements of franchise agreements; amending s. 320.643, F.S.; amending provisions relating to the transfer, assignment, or sale of franchise agreements; amending s. 320.645, F.S.; amending provisions relating to restrictions upon a licensee's owning a dealership; providing for dealer development arrangements; providing exceptions; amending s. 320.699, F.S.; amending procedures for administrative hearings; creating s. 320.69905; providing for severability; providing an effective date.

By the Committees on Judiciary; Health, Aging and Long-Term Care; and Senator Brown-Waite—

CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; creating s. 400.0223, F.S.; requiring a nursing home facility to permit electronic monitoring devices in a resident's room; specifying conditions under which monitoring may occur; providing that electronic monitoring tapes are admissible in civil or criminal actions; providing penalties; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; prohibiting the concealment of information relating to the settlement or resolution of a claim or action; requiring that certain documents relating to settlements or

resolution of a claim or action be provided to the agency; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for the calculation of attorney's fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; creating s. 400.0247, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring

the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.402, F.S.; revising definitions applicable to part III of ch. 400, F.S., relating to the regulation of assisted living facilities; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.417, F.S.; providing for a standard license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.4275, F.S.; specifying minimum amounts of liability insurance required to be carried by an assisted living facility; amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; prohibiting the concealment of information relating to the settlement or resolution of a claim or action; requiring that certain documents relating to settlements or resolution of a claim or action be provided to the agency; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for the calculation of attorney's fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; creating s. 400.4303, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.435, F.S., relating to maintenance of records; conforming provisions to changes made by the act; amending s. 400.441, F.S.; clarifying facility inspection requirements; amending s. 400.442, F.S., relating to pharmacy and dietary services; conforming provisions to changes made by the act; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; amending s. 409.908,

F.S.; specifying components of the long-term-care reimbursement plan; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment; requiring the department to review and approve rate filings of the association; providing appropriations; providing for severability; providing effective dates.

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

CS for SB 1284—A bill to be entitled An act relating to child support enforcement; amending ss. 61.11, 61.13, 61.13015, 61.13016, 61.181, 61.1824, 409.2557, 409.25575, 409.2561, 409.2564, 409.2565, 409.25657, 409.25658, 409.2567, 409.2578, 409.2579, 409.2594, 409.2598, 414.095, 443.051, F.S.; deleting reference to child support and providing reference to support; amending ss. 69.041, 213.053, 231.097, 320.05, 328.42, 414.065, 455.203, 456.004, 559.79, 943.053, F.S.; including reference to the definition of support; amending s. 24.115, F.S.; including spousal support or alimony for the former spouse of an obligor if child support is being enforced by the Department of Revenue among a list of items that must be paid prior to the award of certain prizes; amending s. 61.046, F.S.; redefining the term "support order"; defining the term "support"; amending s. 61.1301, F.S.; prescribing the time within which an order of income deduction may be entered after an order establishing or modifying support; providing for the court to request that an income-deduction order reflect the payment cycle of the payor; amending s. 61.13016, F.S.; requiring that any costs and fees associated with delinquency be paid to prevent suspension of a driver's license; repealing s. 61.1307, F.S., relating to the collection of motor vehicle impact fee refunds for child support; amending s. 61.1354, F.S.; revising provisions with respect to the sharing of information between consumer reporting agencies and the Title IV-D agency; amending s. 61.14, F.S.; including reference to the State Disbursement Unit with respect to support payments; amending s. 61.14, F.S.; providing for retroactive increase or decrease in support, maintenance, or alimony; providing requirements for judges of compensation claims with respect to settlement of a lump-sum payment; specifying the delinquency amount for which notice to the obligor is required; amending s. 61.1825, F.S.; revising provisions with respect to the state case registry to include additional provisions requiring the placement of a family violence indicator in the record; amending s. 61.30, F.S.; redefining the term "gross income" with respect to child support guidelines; authorizing the court to adjust the minimum child support award based on consideration of the particular shared parental arrangement; specifying procedure for adjustment of any award of child support when the particular shared parental arrangement provides that each child spend a substantial amount of time with each parent; specifying circumstances under which failure of a noncustodial parent to exercise visitation may trigger modification of the child support award; providing for retroactive application of such modified support award; prescribing conditions under which income from secondary employment may be disregarded in modifying an existing award; amending s. 322.058, F.S.; including additional provisions requiring the suspension of a drivers' license for failure to comply with a subpoena, order to

appear, order to show cause, or similar order with respect to a delinquent support obligation; amending s. 322.142, F.S.; including an additional reason that reproductions of records with respect to drivers' licenses may be sent from the Department of Highway Safety and Motor Vehicles; amending s. 328.42, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to allow the Department of Revenue to screen applicants for new or renewal vessel registrations to assure compliance with an obligation for support; amending s. 409.2554, F.S.; redefining the term "public assistance" and "support"; defining the terms "undistributable collection" and "unidentifiable collection"; amending s. 409.2558, F.S.; revising provisions with respect to support distribution and disbursement to include reference to undistributable collections and unidentifiable collections; providing rulemaking authority; providing for review prior to the formal rule-development process; providing for a report to the Legislature; amending s. 409.2561, F.S.; deleting reference to public assistance and including reference to temporary cash or Title IV-E assistance; creating s. 409.2563, F.S.; creating a pilot program for the administrative establishment of child-support obligations; providing definitions; providing legislative intent with respect to an alternative procedure for establishing child support obligations in certain cases; authorizing the Department of Children and Family Services to establish an administrative support order; providing procedures; providing notice requirements; providing for a hearing conducted by the Division of Administrative Hearings; providing that a final order by an administrative law judge constitutes final agency action; providing for collection and enforcement of an administrative support order; providing for judicial review and a prospective change in the support obligation; providing for disclosures and a presumption of receipt of certain notices, payments, and orders; authorizing the department to adopt rules; providing requirements for establishing the pilot program; providing for expiration of the pilot program; amending s. 409.2564, F.S.; revising provisions with respect to actions for support; amending s. 409.25645, F.S.; revising provisions with respect to administrative orders for genetic testing; amending s. 409.25656, F.S.; revising provisions with respect to garnishment; amending s. 409.2572, F.S.; including reference to public assistance with respect to certain acts of noncooperation; amending s. 409.2578, F.S.; revising provisions with respect to access to employment information for enforcing support obligations; repealing s. 409.2591, F.S.; relating to unidentifiable moneys held in a special account; amending s. 414.32, F.S.; revising provisions with respect to certain food stamp programs; amending s. 440.20, F.S.; revising provisions with respect to lump-sum payments under workers compensation; amending s. 440.22, F.S.; providing that exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony; amending s. 742.12, F.S.; revising provisions with respect to scientific testing to determine paternity; providing effective dates.

By the Committee on Transportation; and Senators Bronson, Villalobos, Campbell, Saunders, Lawson and Jones—

CS for SB 1296—A bill to be entitled An act relating to land acquisition and management; amending s. 73.015, F.S.; clarifying the timeframe for providing specific information to fee owners; requiring agencies to provide specified portions of statute to fee owners; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, the Board of Trustees of the Internal Improvement Trust Fund, and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by landowners wanting a release of a reservation; amending s. 373.056, F.S.; authorizing water management districts to grant utility easements on district-owned lands in order to provide utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification prior to executing lease agreements; amending s. 373.096, F.S.; authorizing water management districts to abandon easements, reservations, and right-of-way interests that are no longer needed; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing the disclosure of title information, appraisal information, offers, and counteroffers to third parties working on the district's behalf; amending s. 373.1401, F.S.; authorizing water management districts to contract with private entities for management, improvement, or maintenance of land held by the district; amending s. 374.984, F.S.; authorizing the Board of Commissioners of the Florida Inland Navigation District to contract for certain services; providing an effective date.

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

CS for SB 1458—A bill to be entitled An act relating to public records; creating s. 631.195, F.S.; exempting certain records that come into the possession of the Department of Insurance pursuant to insurer receivership proceedings from inspection or disclosure as public records in order to protect the privacy interests of insureds; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Transportation; and Senator Bronson—

CS for SB 1514—A bill to be entitled An act relating to the Florida Panther License Plates; amending s. 320.08058, F.S.; deleting a distribution of proceeds to the Florida Communities Trust Fund; providing an effective date.

By the Committee on Judiciary; and Senators Geller, Mitchell, Bronson and Peaden—

CS for SB 1528—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural field crops; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

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

CS for SB 1608—A bill to be entitled An act relating to persons with disabilities; creating s. 413.402, F.S.; directing the Florida Association of Centers for Independent Living to develop a personal-care-attendant pilot program to serve persons having spinal cord injuries; providing for memorandums of understanding with specified entities; providing eligibility for pilot-program participation; providing for selection and training of participants and personal-care attendants; providing for assessment of participants for work-related training programs; providing for development of a plan for program implementation; requiring a report to the Legislature; providing for implementation by a specified date; directing the Department of Revenue to develop and implement a tax collection enforcement diversion program in specified counties; providing for coordination with the Florida Association of Centers for Independent Living and the state attorneys' offices; providing for deposit and use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; providing an appropriation; providing an effective date.

By the Committee on Banking and Insurance; and Senators Latvala, Wasserman Schultz, Lee, Sullivan, Mitchell, Miller, Lawson, Peaden, Posey and Cowin—

CS for SB 1610—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.003, F.S.; revising references relating to need determinations; amending s. 497.005, F.S.; providing and revising definitions; amending s. 497.201, F.S.; increasing minimum acreage requirements to establish a cemetery company; eliminating need determinations for new cemeteries; clarifying provisions governing authorized trust companies, banks, and savings and loan associations; revising experience requirements for the general manager of a cemetery company; amending s. 497.237, F.S.; authorizing care and maintenance trust funds to be established with a federal savings and loan association holding trust powers in this state; amending s. 497.245, F.S.; revising provisions governing burial rights; amending s. 497.253, F.S.; revising minimum acreage requirements and references, to conform; revising requirements for sale or disposition of certain cemetery lands, to conform; repealing s. 497.353(12), F.S., relating to prohibiting the use in need determinations of spaces or lots from burial rights reacquired by

a cemetery, to conform; amending s. 497.405, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations; amending s. 497.417, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations; revising the authority of certificateholders offering preneed funeral and burial merchandise and services contracts to revest title to trust assets by posting a bond or using other forms of security or insurance; providing a time limitation on such authority; amending s. 497.425, F.S.; providing a time limitation on the authority to post certain bonds to secure preneed contract assets; amending s. 497.429, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations with respect to alternative preneed contracts; amending s. 470.002, F.S.; redefining the term "legally authorized person" for purposes of ch. 470, F.S.; providing an effective date.

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

CS for SB 1614—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

By the Committees on Judiciary; Natural Resources; and Senator Laurent—

CS for CS for SB 1664—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; providing an effective date.

By the Committee on Appropriations; and Senator Klein—

CS for SB 1684—A bill to be entitled An act relating to teacher recruitment; creating the Transition to Teaching Program; encouraging participation by postsecondary education institutions and organizations that represent eligible employees or employ eligible applicants; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

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

CS for SB 1762—A bill to be entitled An act relating to public records exemptions; amending s. 119.07, F.S.; exempting from disclosure technical information pertaining to trunking radio communication systems and mobile data communications systems used by governmental agencies; providing legislative findings of public necessity; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Diaz de la Portilla—

CS for SB 1772—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business

enterprises; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; creating s. 288.7075, F.S.; providing legislative findings that the needs of black business enterprises are shared by other minority business enterprises; expressing the intent of the Legislature that the Black Business Investment Board and the black business investment corporations include minority business enterprises within the scope of their duties, responsibilities, and activities and report on their progress in assisting such business enterprises; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of "executive director" as "president"; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; 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; requiring the board to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; 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 or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the board's annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board under certain conditions; requiring the Black Business Investment Board to complete a report on the inclusion of all minorities in the activities of the board and the black business investment corporations; providing appropriations; providing an effective date.

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

CS for SB 1848—A bill to be entitled An act relating to public records; providing an exemption from the public records law for information that identifies the claimant or case number in certain proceedings involving a nursing home or assisted living facility and that is provided to the Agency for Health Care Administration as required by law; providing an exemption from the public-records law for reports of liability claims involving nursing homes that are provided to the Agency for Health Care Administration as required by law; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Regulated Industries; and Senator Constantine—

CS for SB 1902—A bill to be entitled An act relating to public food service establishments and alcoholic beverage licenses; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; repealing s. 561.32(6), F.S., relating to special transfer restrictions and transfer fees pertaining to alcoholic beverage licenses issued after a specified date; providing an effective date.

By the Committee on Banking and Insurance; and Senators Latvala and King—

CS for SB's 1960 and 1760—A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an effective date.

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

CS for SB 2014—A bill to be entitled An act relating to elevators; creating section 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances under the jurisdiction of the Department of Community Affairs; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency for elevator contractors, elevator mechanics, and elevator inspectors; providing for qualifications, fees, continuing education, and disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing

s. 399.05, F.S., which provides for construction permits; transferring the regulation of elevators from the Department of Business and Professional Regulation to the Department of Community Affairs; providing for the continuance of judicial and administrative actions; providing an effective date.

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

CS for SB 2032—A bill to be entitled An act relating to recreational facilities; providing conditions for the sale or change in use of recreational facilities within a residential subdivision governed by a homeowners' association; providing exceptions; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 2056—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; creating the turnpike enterprise; providing organization changes for the Department of Transportation; amending s. 163.3180, F.S.; providing a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; increasing the debt-service cap on the transfer of 7 percent of state transportation revenue to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 255.20, F.S.; adding an exception to requirements relating to local bids and contracts for public construction works; amending s. 287.055, F.S.; increasing the amount constituting a continuing contract; amending s. 311.09, F.S.; referencing s. 287.055, F.S., relating to competition negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; updating references to safety regulations for commercial vehicles; amending s. 316.3025, F.S.; conforming that section to the repeal of s. 316.3027, F.S.; repealing s. 316.3027, F.S., relating to commercial motor vehicle identification requirements; amending s. 316.515, F.S.; deleting the permit requirement for an automobile transporter; amending s. 316.535, F.S.; providing maximum weights for certain trucks; amending s. 316.545, F.S.; conforming provisions to amendments made by this act; repealing s. 316.610(3), F.S., relating to an irrelevant vehicle inspection service; amending ss. 330.27, 330.29, 330.30, 330.35, 330.36, F.S.; providing for the registration and licensing of airports; amending s. 332.004, F.S.; including an off-airport noise mitigation project within the meaning of the term "airport or aviation development project"; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan, and providing for notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions that specify that certain changes in airport facilities and increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact review; amending ss. 380.06, 380.0651, F.S.; revising provisions governing application with respect to airports and petroleum storage facilities that have received a development-of-regional-impact development order or that have an application for development approval or notification of proposed change pending on the effective date of the act; amending s. 334.044, F.S.; authorizing the department to purchase certain promotional items for the Florida Scenic Highways Program; authorizing the department to enter into permit-delegation agreements in certain circumstances; creating s. 335.066, F.S.; establishing the Safe Paths to School program; amending s. 334.30, F.S.; providing for public-private transportation facilities; amending ss. 335.141, 341.302, F.S.; removing the department's authority to regulate the operating speed of trains; amending s. 336.41, F.S.; providing prequalification requirements for contractors who bid on certain government projects; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria; amending s. 336.44, F.S.; substituting the criterion "lowest responsible bidder" for "lowest competent bidder"; amending s. 337.025, F.S.; exempting the turnpike enterprise from an annual contract cap; amending s. 337.107, F.S.; authorizing right-of-way services to be included in design-build contracts; amending s. 337.11, F.S.; authorizing the advertisement and award of certain design-build contracts; increasing the cap on fast-response contracts; authorizing the use of

design-build contracts for enhancement projects; providing an exemption for a turnpike enterprise project; amending s. 337.14, F.S.; increasing the length of time for which a certificate of qualification may remain valid; providing prequalification requirements for contractors who bid on certain projects of specified expressway and bridge authorities or of the Jacksonville Transportation Authority; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria in specified circumstances; providing applicability; amending s. 337.401, F.S.; authorizing the department to accept a utility-relocation schedule and relocation agreement in lieu of a written permit in certain circumstances; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings policy, purpose, and intent for the Florida turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending s. 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 339.08, F.S.; repealing a rulemaking requirement relating to the department's expending moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; authorizing compensation to local governments by the department; increasing the amount of a project agreement for a local contribution; providing funds for certain counties that dedicate a portion of a sales tax to certain transportation projects; amending s. 339.135, F.S.; increasing the threshold amount for an amendment to the adopted work program; revising the time period for a transportation project commitment in the work program; amending s. 339.137, F.S.; providing membership changes to the Transportation Outreach Program Council; providing restrictions on project consideration; providing for the development of a scoring system; repealing 341.051(5)(b), F.S.; eliminating certain unnecessary public transit studies; amending s. 341.302, F.S.; eliminating the requirement for the department to develop and administer certain rail-system standards; amending s. 348.0003, F.S.; requiring the governing body of the county to determine the qualifications, terms of office, and obligations and rights of members of the expressway authority for the county; amending s. 373.4137, F.S.; providing requirements for environmental mitigation for transportation projects proposed by a transportation authority; requiring the authority to establish an escrow account; providing for mitigation plans; amending s. 348.0012, F.S.; providing an exemption to the Florida Expressway Authority Act; amending s. 348.7543, F.S.; expanding the use of bond financing; amending ss. 348.7544, 348.7545, F.S.; authorizing refinancing with bonds; amending s. 348.755, F.S.; authorizing the issuance of bonds; amending s. 348.765, F.S.; providing that the section does not repeal, rescind, or modify s. 215.821, F.S.; amending s. 475.011, F.S.; providing an exemption for certain employees from specified licensing requirements; amending s. 479.15, F.S.; defining the term "federal-aid primary highway system"; creating s. 479.25, F.S.; allowing an increase in the height of a sign to restore its visibility under specified conditions; creating s. 70.20, F.S.; creating a process by which governmental entities and sign owners may enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S., and creating s. 496.4256, F.S.; revising the permit requirement for solicitation at rest areas; providing an effective date.

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

CS for SB 2064—A bill to be entitled An act relating to water supply policy; amending s. 163.3167, F.S.; requiring that each local government provide in its growth management plan for the long-term availability of water supplies for approved land development; amending s. 163.3177, F.S.; directing local government comprehensive plans to coordinate with regional water supply plans; directing future land use plans to be based

on data regarding the availability of sufficient water supplies for present and future growth; amending requirements for comprehensive plan elements; amending s. 163.3180, F.S.; adding concurrency requirements for water supply availability; amending s. 373.0361, F.S.; providing that incompatibility with a regional supply plan must be considered in determining if a proposed use of water is consistent with the public interest; amending s. 373.223, F.S.; providing additional requirements for obtaining a permit; providing additional criteria for evaluation of a potential use of ground or surface waters; amending s. 373.246, F.S.; revising requirements, procedures, and limitations for declarations of a water shortage or emergency; amending s. 373.414, F.S.; revising criteria for certain mitigation activities in granting or denying a permit; providing an effective date.

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

CS for SB 2118—A bill to be entitled An act relating to educational facilities; amending s. 847.001, F.S.; adding and revising definitions; creating s. 847.0134, F.S.; prohibiting the location of adult entertainment establishments within a specified distance of a school; providing a criminal penalty; providing an exception; providing an effective date.

By the Committee on Judiciary; and Senator Burt—

CS for SB 2214—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms “participating manufacturer,” “outdoor advertising,” and “transit advertisements”; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from participating manufacturers to be deposited into the 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 calculation of fee; amending s. 210.20, F.S.; providing for the deposit of proceeds of the supplemental permit fee; amending ss. 17.41, 20.435, 215.5602, F.S., relating to the 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.

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 CS for HB 1, HB 45, CS for HB 415, HB 695; has passed as amended HB 69, HB 145, CS for HB 339, HB 1003; has passed by the required Constitutional three-fifths vote of the membership HJR 951 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Lifelong Learning; and Representative Kilmer and others—

CS for HB 1—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing for future repeal of such eligibility provision; providing an effective date.

—was referred to the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Representative Bense and others—

HB 45—A bill to be entitled An act relating to the alcoholic beverage surcharge; amending s. 561.501, F.S.; providing that the surcharges on liquor, wine, cider, and beer sold for consumption on the premises shall not be imposed beginning July 1, 2001; repealing s. 561.501, F.S.; removing provisions relating to imposition, administration, and enforcement of such surcharges, effective July 1, 2004; amending s. 561.025, F.S.; removing the prohibition against deposit of surcharge revenues in the Alcoholic Beverage and Tobacco Trust Fund; amending s. 561.121, F.S., and repealing subsection (4) thereof; removing provisions relating to transfer of a portion of surtax revenues to the Children and Adolescents Substance Abuse Trust Fund, and the remainder to the General Revenue Fund, and providing for deposit of a portion of the excise taxes on malt beverages, wines and other beverages, and liquors in said trust fund; providing effective dates.

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

By the Council for Smarter Government; and Representative Lynn and others—

CS for HB 415—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney’s fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent’s right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent’s parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption

contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; creating the Paternity Registry; providing duties of registrants and department; requiring registration in order to assert an interest in a minor under specified circumstances; providing for admissibility of information in the Paternity Registry; providing penalties; providing rulemaking authority; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; amending s. 63.182, F.S.; revising language with respect to the statute of repose; providing an effective date.

—was referred to the Committees on Judiciary; and Children and Families.

By Representative Mack and others—

HB 695—A bill to be entitled An act relating to sentencing; amending s. 874.04, F.S.; providing for enhanced penalties for the commission of a felony or misdemeanor, or a delinquent act or violation of law that would be a felony or misdemeanor if committed by an adult, under specified circumstances when the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interest of a criminal street gang; amending s. 921.0024, F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets; revising guidelines for applying a specified sentence multiplier for offenses committed for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Representative Argenziano and others—

HB 69—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing "medically necessary" on the prescription; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Clarke and others—

HB 145—A bill to be entitled An act relating to enterprise zones; authorizing the Office of Tourism, Trade, and Economic Development to

amend the boundaries of an enterprise zone upon application by certain counties; 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 for designation of a specified area within Hillsborough County as an enterprise zone; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By the Committee on Local Government and Veterans Affairs; and Representative Mayfield and others—

CS for HB 339—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; requiring an agreement that a certain percent of Medicaid and charity patients be served; requiring a specified number of operations; amending s. 408.036, F.S.; authorizing certain facilities to request exemption from the certificate of need process; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the workgroup; amending the scope of responsibility for the workgroup; providing new dates for final report to the Governor and Legislature and termination of the certificate-of-need workgroup; providing effective dates.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Representative Paul and others—

HB 1003—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Crime Prevention, Corrections and Safety; and Representative Bilirakis and others—

HJR 951—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—was referred to the Committees on Criminal Justice; and Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 218 and SB 946.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CONFEREES ON SB 2000 AND SB 2002 APPOINTED

The President appointed the following conferees on **SB 2000** and **SB 2002**: Senator Horne, Chairman; Senator Rossin, At-Large Member; Subcommittee on Education: Senator Sullivan, Chairman; Senators Dyer, Garcia, Holzendorf, Latvala, Miller and Webster; Subcommittee on General Government: Senator Clary, Chairman; Senators Jones, King, Laurent and Lawson; Subcommittee on Health and Human Services: Senator Silver, Chairman; Senators Mitchell, Peaden, Sanderson and Saunders; Subcommittee on Public Safety and Judiciary: Senator Cowin, Chair; Senators Burt, Dawson, Meek and Villalobos.

The action of the Senate was certified to the House.

ENROLLING REPORTS

SB 544, SB 546, SB 548, SB 558, SB 560, SB 562, SB 564, SB 566, SB 568, SB 572, SB 574, SB 576, SB 578, SB 580, SB 582, SB 584, SB 586, SB 590, SB 592, SB 594, SB 596, SB 598, SB 600, SB 602, SB 604, SB 606, SB 608, SB 610, SB 612, SB 614 and SB 616 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 18, 2001.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 12 was corrected and approved.

CO-SPONSORS

Senators Bronson—CS for SB 1878; Burt—CS for SB 1878; Constantine—SB 234; Cowin—CS for CS for SB 400, SB 782; Crist—SB 676, SB 1372; Dawson—SB 514; Diaz de la Portilla—CS for SB 1878; Garcia—CS for CS for SB 1092; CS for SB 1878; Meek—SB 1498, CS for SB 1878; Posey—CS for SB 1878; Pruitt—CS for SB 1638; Sanderson—SB 1956; Silver—CS for SB 1878; Villalobos—CS for SB 1878; Wasserman Schultz—CS for SB 694

RECESS

On motion by Senator Lee, the Senate recessed at 5:32 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Thursday, April 19.

SENATE PAGES

April 16-20

David Banther, Tarpon Springs; Stephen Burke, Webster; Marcus Elliott, Bushnell; Claudio Garcia, Miami Lakes; Jamie Gilbert, Quincy; Ebony Griffin, Inverness; Corlene Hickman, North Lauderdale; Lauren Madera, Ft. Lauderdale; Kim Marston, Jr., Palm Harbor; Matthew Mask, Greenville; Jennifer Maurer, Ft. Lauderdale; Elizabeth "Liz" Mayernick, Niceville; Christopher "Chris" Morris, Plantation; Scott Morris, Fort Myers; Robert Oliver, Orange City; Morgan Rickerson, Bushnell; LaToya Smithwick, Havana; Sharita Spradley, Havana