



Journal of the Senate

Number 17—Regular Session

Thursday, April 19, 2001

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CALL TO ORDER

The Senate was called to order by President McKay at 1:00 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	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Excused: Senator Mitchell at 4:00 p.m.

PRAYER

The following prayer was offered by the Rev. Brian J. Hamer, Christ The King Lutheran Church, Riverview:

Heavenly Father, preserve our nation in justice and honor that we may lead a peaceable life of integrity. Grant health and favor to all who bear office in our land, especially the President and Congress of the United States, the Governor and Senate of this State, and all those who make, administer and judge our laws, and help them to serve the people according to your holy will.

On this anniversary of human suffering, take from us all hatred and prejudice, give us the spirit of love and dispose our days in your peace. Prosper the labor of those who take counsel for the nations of the world that mutual understanding and common endeavor may be increased among all peoples.

Bless the schools and all colleges, universities and centers of research, and those who teach in them. Grant your wisdom in such measure that people may serve you in this state, and that our common life may be conformed to the ways of your truth and justice.

Sanctify our homes with your presence and joy. Keep our children in your covenant, and enable their parents to bring them up in a life of faith and devotion. By the spirit of affection and service unite the members of all families that they may show your praise in our land and in all the world.

Let your blessing rest upon the seedtime and harvest, the commerce and industry, the leisure and rest, the arts and culture of our people. Take under your special protection those whose work is difficult or

dangerous, and be with all who put their hands to any useful task. Give them just rewards for their labor and the knowledge that their work is good in your sight. Hear our prayer. Amen.

Adapted from *Lutheran Worship Agenda, 1982*

PLEDGE

Senate Pages Christopher "Chris" Morris of Plantation, Ebony Griffin of Inverness and Kim Marston, Jr. of Palm Harbor, 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. David Paulus of Gainesville, sponsored by Senator Mitchell, as doctor of the day. Dr. Paulus specializes in Anesthesiology.

ADOPTION OF RESOLUTIONS

On motion by Senator Holzendorf—

By Senators Holzendorf, Lawson, Dawson, Jones, Miller, Peaden, Bronson, Mitchell, Rossin and Meek—

SR 2250—A resolution honoring Dr. Frederick S. Humphries for his achievements as an educational leader.

WHEREAS, Dr. Frederick S. Humphries, a native of Apalachicola, graduated from Wallace McQuinn High School in Apalachicola; Florida Agricultural and Mechanical University, magna cum laude; and the University of Pittsburgh with a Ph.D. in Physical Chemistry, and

WHEREAS, Dr. Humphries has received honorary doctorates from Vincennes University of Indiana, Thomas A. Edison State College, and Atlantic College and Theological Seminary, Nassau, Bahamas, and

WHEREAS, Dr. Humphries served as the President of Tennessee State University from 1974-1985, and

WHEREAS, Dr. Humphries has been the recipient of several academic honors, including Most Outstanding Personalities in the South, National Urban League Fellow, and Distinguished Military Science Graduate, and

WHEREAS, with his wife, Antoinette, he has raised three children, Frederick Stephen Humphries, Jr., Robin Tanya (Humphries) Watson and Lawrence Anthony Humphries, and

WHEREAS, Dr. Humphries served as the eighth president of his alma mater, during which time FAMU was selected as the TIME Magazine-Princeton Review "College of the Year" and was featured in Black Issues in Higher Education as the nation's number one graduator of African-Americans with baccalaureate degrees, surpassing Harvard in 1992, 1995, and 1997, becoming the leader in the recruitment of National Achievement Scholars, America's best and brightest students, and in 2000, tied with Harvard as the top recruiter of these students, and

WHEREAS, Dr. Humphries has served as chair of the State Board of Education Advisory Committee on the Education of Blacks in Florida, the Board of Regents, Five-Year Working Group for Agriculture, State University System of Florida, a member of the Advisory Council to the Panhandle Regional Center of Excellence in Mathematics, Science, Computers, and Technology, Florida A&M University and the University of West Florida, and

WHEREAS, Dr. Humphries launched several initiatives that have received national recognition, such as the Graduate Feeder Program, an innovative approach to increasing the number of minorities attending graduate school; the Life-Gets-Better Scholarship, called by many the best scholarship in the country for academically talented students; and a creative recruitment program that has made FAMU one of the fastest growing universities in the country, and

WHEREAS, Dr. Humphries has restored the College of Law at FAMU and increased the number of minorities with Ph.D.'s in the science-related fields, and

WHEREAS, Dr. Humphries has served on the board of directors of not fewer than 20 boards, including the Commission on the Future of the South, the White House Science and Technology Advisory Committee, the National Association of State Universities and Land Grant Colleges (member and chair of the board), and the National Association for Equal Opportunity in Higher Education (member and chair of the board), and

WHEREAS, as a result of his leadership, the university plans to offer new Ph.D. programs in physics, computer science, chemistry, and biology by 2004, and

WHEREAS, Dr. Humphries is responsible for FAMU's receipt of more than \$130 million in construction that has occurred under his leadership, including a General Classroom Building; Science Research Building; an east-wing expansion to the School of Business; expansion of the FAMU/FSU College of Engineering; a Student Services Center, including food service and bookstore facilities, administrative offices, and a 400-car Parking Garage; a 360-bed expansion at the Palmetto Housing Complex; and the Foster Tanner Complex expansion, and

WHEREAS, as a result of his achievements as an educational leader, Dr. Humphries has been the recipient of numerous awards as an educational leader which have won him significant honors, including the "Floridian of the Year Award," 1990 Thurgood Marshall Educational Achievement Award, and the University of Pittsburgh Bicentennial Medal of Distinction, and most recently he received a special tribute during the 2001 Turner Broadcasting System, Inc., Annual Trumpet Awards and the 2001 Lifetime Achievement Award at the 15th Annual Black Engineer of the Year Awards Conference, NOW, THEREFORE,

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

That the Florida Senate commends Dr. Frederick S. Humphries for his many achievements and his dedicated service as the eighth president of Florida Agricultural and Mechanical University.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Humphries as a tangible token of the high esteem in which he is held by the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Holzendorf, **SR 2250** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Holzendorf introduced Dr. Humphries and the following members of the Florida Conference of Black State Legislators who were present in the chamber: Representative Frederica Wilson, Chairman; Representatives Cusack, Smith, Joyner, Richardson, Peterman and Siplin; and Senators Meek, Dawson, Jones and Lawson.

Upon request of the President, Senator Holzendorf escorted Dr. Humphries and guests to the rostrum where Dr. Humphries was presented a copy of the resolution.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB's 336 and 190, SB 382, SB 384, SB 1200** and **CS for SB 1374** were withdrawn from the Committee on Rules and Calendar; **CS for SB 792, CS for SB 1530, SB 1606, SB 1620, CS for SB 1652, CS for SB's 1708 and 1626, CS for SB 1914, SB 1986, CS for SB 2036, SB 2166** and **CS for SB 2220** were withdrawn from the Committee on Governmental Oversight and Productivity; **CS for SB 1540, SB 1784** and **CS for SB 1878** were withdrawn from the Committee on Appropriations Subcommittee on

General Government; and **SB 2240** was withdrawn from the Committee on Transportation.

MOTIONS

On motion by Senator Lee, a deadline of 5:30 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Friday, April 20.

BILLS ON THIRD READING

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

SENATOR JONES PRESIDING

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 read the third time by title.

On motion by Senator Clary, **CS for HB 1** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Brown-Waite

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.

—as amended April 18 was read the third time by title.

On motion by Senator Sebesta, **SB 1166** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Brown-Waite, Dawson

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; revising requirements for filing and approval of individual health insurance rates; 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. 627.9408, 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; 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.

—as amended April 18 was read the third time by title.

On motion by Senator Latvala, **CS for SB 1210** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Brown-Waite, Dawson

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

—was read the third time by title.

On motion by Senator Posey, **SB 532** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Brown-Waite, Dawson

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; 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.

—as amended April 18 was read the third time by title.

On motion by Senator Burt, **SB 540** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bronson	Carlton	Cowin	Diaz de la Portilla
Burt	Clary	Crist	Dyer
Campbell	Constantine	Dawson	Garcia

Geller	Lawson	Pruitt	Sullivan	Sebesta	Smith	Villalobos	Webster
Holzendorf	Lee	Rossin	Villalobos	Silver	Sullivan	Wasserman Schultz	
Jones	Meek	Sanderson	Wasserman Schultz	Nays—None			
King	Miller	Saunders	Webster				
Klein	Mitchell	Sebesta					
Latvala	Peaden	Silver					
Laurent	Posey	Smith					

Nays—None

Vote after roll call:

Yea—Brown-Waite

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 third time by title.

On motion by Senator Silver, **CS for SB 800** was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	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	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Brown-Waite

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.

—was read the third time by title.

On motion by Senator Laurent, **CS for HB 279** was passed and certified to the House. The vote on passage was:

Yeas—39

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

—as amended April 18 was read the third time by title.

On motion by Senator Saunders, **CS for SB 360** 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	Holzendorf	Miller	Smith
Carlton	Horne	Mitchell	Sullivan
Clary	Jones	Peaden	Villalobos
Constantine	King	Posey	Wasserman Schultz
Cowin	Klein	Pruitt	Webster
Crist	Latvala	Rossin	
Dawson	Laurent	Sanderson	

Nays—None

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 third time by title.

On motion by Senator Sanderson, **SB 766** 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 518—A bill to be entitled An act relating to obtaining property by false personation; amending s. 817.02, F.S.; providing that the offense of obtaining property by false personation is punishable as theft; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Miller, **SB 518** 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 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 any felony offense 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.

—as amended April 18 was read the third time by title.

On motion by Senator Webster, **SB 1198** 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 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.

—as amended April 18 was read the third time by title.

On motion by Senator Crist, **SB 2104** 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 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 third time by title.

On motion by Senator Constantine, **CS for SB 1518** 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 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 appropriation; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Mitchell, **CS for CS for SB 1258** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Constantine	Garcia	Latvala
Brown-Waite	Cowin	Geller	Laurent
Burt	Crist	Holzendorf	Lawson
Campbell	Dawson	Jones	Lee
Carlton	Diaz de la Portilla	King	Meek
Clary	Dyer	Klein	Miller

Mitchell	Rossin	Silver	Wasserman Schultz
Peaden	Sanderson	Smith	Webster
Posey	Saunders	Sullivan	
Pruitt	Sebesta	Villalobos	

Nays—None

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 third time by title.

On motion by Senator Peaden, **CS for SB 452** 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 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 third time by title.

On motion by Senator Rossin, **CS for CS for SB 1016** 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 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 third time by title.

On motion by Senator Garcia, **CS for SB 1506** was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Burt	Carlton	Constantine
Brown-Waite	Campbell	Clary	Cowin

Crist	Jones	Miller	Sebesta
Dawson	King	Mitchell	Silver
Diaz de la Portilla	Klein	Peaden	Smith
Dyer	Latvala	Posey	Sullivan
Garcia	Laurent	Pruitt	Villalobos
Geller	Lawson	Rossin	Wasserman Schultz
Holzendorf	Lee	Sanderson	Webster
Horne	Meek	Saunders	

Nays—None

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 district school superintendent to temporarily suspend a certificateholder from regularly assigned duties until completion of certain proceedings; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Smith, **SB 1644** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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	Webster
Crist	Klein	Pruitt	
Dawson	Latvala	Rossin	

Nays—None

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; amending s. 475.628, F.S.; recognizing certain appraisal methods; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Bronson, **CS for SB 972** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Bronson	Constantine	Garcia	Klein
Brown-Waite	Cowin	Geller	Latvala
Burt	Crist	Holzendorf	Laurent
Campbell	Dawson	Horne	Lawson
Carlton	Diaz de la Portilla	Jones	Lee
Clary	Dyer	King	Meek

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

Nays—None

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 third time by title.

On motion by Senator Miller, **CS for SB 354** 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 684—A bill to be entitled An act relating to organ transplantation; 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.

—as amended April 18 was read the third time by title.

On motion by Senator Cowin, **CS for SB 684** 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’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.

—as amended April 18 was read the third time by title.

On motion by Senator Campbell, **CS for SB’s 1442 and 1570** 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

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.

—as amended April 18 was read the third time by title.

On motion by Senator Sullivan, **SB 666** 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	Horne	Peaden	Villalobos
Constantine	Jones	Posey	Wasserman Schultz
Cowin	King	Pruitt	Webster
Crist	Klein	Rossin	
Dawson	Latvala	Sanderson	

Nays—None

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.

—as amended April 18 was read the third time by title.

On motion by Senator Webster, **CS for SB 924** as amended was passed and certified to the House. The vote on passage was:

Yeas—28

Bronson	Cowin	Klein	Posey
Brown-Waite	Crist	Latvala	Pruitt
Burt	Dawson	Laurent	Saunders
Campbell	Diaz de la Portilla	Lawson	Sebesta
Carlton	Dyer	Lee	Villalobos
Clary	Garcia	Miller	Wasserman Schultz
Constantine	Geller	Peaden	Webster

Nays—10

Holzendorf	King	Rossin	Smith
Horne	Meek	Silver	Sullivan
Jones	Mitchell		

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.

—as amended April 18 was read the third time by title.

On motion by Senator Saunders, **SB 654** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Sanderson

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 read the third time by title.

On motion by Senator Clary, **HB 1003** 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 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 third time by title.

On motion by Senator Mitchell, **SB 672** was passed and certified to the House. The vote on passage was:

Yeas—39

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

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 third time by title.

On motion by Senator Horne, **CS for SB 1722** 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 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 third time by title.

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

Amendment 1 (844370)(with title amendment)—On page 1, line 20 through page 2, line 3, delete those lines and insert:

(a) *School districts shall donate on a regular basis, in accordance with health, safety, and sanitation guidelines, any surplus or excess canned or perishable foods that would otherwise be discarded to food recovery programs, pursuant to s. 570.0725, or to hunger assistance programs provided through community charities or not-for-profit corporations, including faith-based organizations, which provide for the hungry.*

(b) *Such donations shall be made pursuant to s. 768.136.*

(c) *School districts in communities with no food recovery or hunger assistance programs are exempt from this subsection.*

(d) *The State Board of Education shall have the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this subsection.*

And the title is amended as follows:

On page 1, lines 6-9, delete those lines and insert: donate surplus or excess canned or perishable foods to food recovery or hunger assistance programs; providing exemptions; authorizing rules;

On motion by Senator Clary, **SB 1840** as amended was passed, ordered engrossed and then 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

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.

—was read the third time by title.

On motion by Senator Sanderson, **HB 499** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

THE PRESIDENT PRESIDING

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 third time by title.

On motions by Senator Webster, **SB 1212** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

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 third time by title.

On motion by Senator Latvala, **SB 1126** was passed and certified to the House. The vote on passage was:

Yeas—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	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

CS for SB 1692—A bill to be entitled An act relating to pari-mutuel wagering; providing a title; 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.

—as amended April 18 was read the third time by title.

On motion by Senator Wasserman Schultz, **CS for SB 1692** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 1190—A bill to be entitled An act relating to higher education; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; 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; 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 Col-

lege of Florida; 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.

—as amended April 18 was read the third time by title.

On motion by Senator Sullivan, **CS for SB 1190** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

Campbell	Rossin
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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 classroom 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; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation; providing an effective date.

—as amended April 18 was read the third time by title.

On motion by Senator Bronson, **CS for SB 2042** as amended was passed and certified to the House. The vote on passage was:

Yeas—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	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

Nays—None

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 third time by title.

On motion by Senator Sanderson, **SB 916** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Wasserman Schultz

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 third time by title.

On motion by Senator Posey, **SB 1424** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Lawson

CS for SB 2110—A bill to be entitled 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. 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.

—as amended April 18 was read the third time by title.

On motion by Senator Silver, CS for SB 2110 as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Klein

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 third time by title.

MOTION

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

Senator Dyer moved the following amendment:

Amendment 1 (495298)(with title amendment)—On page 3, delete line 27 and insert:

Section 2. Subsection (7) of section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(7) No board, with the exception of joint coordinators and the board established in subparagraph (4)(a)5., shall be transferred from its present location unless authorized by the Legislature in the General Appropriations Act.

Section 3. Paragraph (b) of subsection (2) and paragraph (e) of subsection (5) of section 95.11, Florida Statutes, are amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.—

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be governed by the applicable provisions of ss. 255.05(2)(a)2. and 713.23(1)(e).

(5) WITHIN ONE YEAR.—

(e) An action to enforce any claim against a payment bond on which the principal is a contractor, subcontractor, or sub-subcontractor as defined in s. 713.01, for private work as well as public work, from the last furnishing of labor, services, or materials by the general contractor if the general contractor is the principal on a bond on the same construction project, whichever is later.

Section 4. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 255.05, Florida Statutes, are amended to read:

255.05 Bond of contractor constructing public buildings; form; action by materialmen.—

(1)(a) Any person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work or before recommencing the work after a default or abandonment, to execute, deliver to the public owner, and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. The bond must state on its front page: the name, principal business address, and phone number of the contractor, the surety, the owner of the property being improved, and, if different from the owner, the contracting public entity; the contract number assigned by the contracting public entity; and a description of the project sufficient to identify it, such as including, if applicable, a legal description or and the street address of the property being improved, and a general description of the improvement. Such bond shall be conditioned upon the contractor's performance of the construction work that the contractor perform the contract in the time and manner prescribed in the contract and promptly make payments to all persons defined in s. 713.01 who furnish labor, services, or materials for whose claims derive directly or indirectly from the prosecution of the work provided for in the contract. Any claimant may apply to the governmental entity having charge of the work for copies of the contract and bond and shall thereupon be furnished with a certified copy of the contract and bond. The claimant shall have a right of action against the contractor and surety for the amount due him or her, including unpaid finance charges due under the claimant's contract. Such action shall not involve the public authority in any expense. When such work is done for the state and the contract is for \$100,000 or less, no payment and performance bond shall be required. At the discretion of the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, any person entering into such a contract which is for \$200,000 or less may be exempted from executing the payment and performance bond. When such work is done for the state, the Secretary of the Department of Management Services may delegate to state agencies the authority to exempt any person entering into such a contract amounting to more than \$100,000 but less than \$200,000 from executing the payment and performance bond. In the event such exemption is granted, the officer or officials shall not be personally liable to persons suffering loss because of granting such exemption. The Department of Management Services shall maintain information on the number of requests by state agencies for delegation of authority to waive the bond requirements by agency and project number and whether any request for delegation was denied and the justification for the denial.

The state shall not be held liable to any laborer, materialman, or subcontractor for any amounts greater than the pro rata share as determined under this section.

(2)(a)1. If a claimant is no longer furnishing labor, services, or materials on a project, a contractor or the contractor's agent or attorney may elect to shorten the prescribed time in this paragraph within which an action to enforce any claim against a payment bond provided pursuant to this section may be commenced by recording in the clerk's office a notice in substantially the following form:

NOTICE OF CONTEST OF CLAIM AGAINST PAYMENT BOND

To: (Name and address of claimant)

You are notified that the undersigned contests your notice of nonpayment, dated, and served on the undersigned on, and that the time within which you may file suit to enforce your claim is limited to 60 days after the date of service of this notice.

DATED on

Signed: (Contractor or Attorney)

The claim of any claimant upon whom such notice is served and who fails to institute a suit to enforce his or her claim against the payment bond

within 60 days after service of such notice shall be extinguished automatically. The clerk shall mail a copy of the notice of contest to the claimant at the address shown in the notice of nonpayment or most recent amendment thereto and shall certify to such service on the face of such notice and record the notice. Service is complete upon mailing.

2. A claimant, except a laborer, who is not in privity with the contractor shall, before commencing or not later than 45 days after commencing to furnish labor, materials, or supplies for the prosecution of the work, furnish the contractor with a notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for his or her labor, materials, or supplies shall deliver to the contractor and to the surety written notice of the performance of the labor or delivery of the materials or supplies and of the nonpayment. The notice of nonpayment may be served at any time during the progress of the work or thereafter but not before 45 days after the first furnishing of labor, services, or materials, and not later than 90 days after the final furnishing of the labor, services, or materials by the claimant or, with respect to rental equipment, not later than 90 days after the date that the rental equipment was last on the job site available for use. No action for the labor, materials, or supplies may be instituted against the contractor or the surety unless both notices have been given. Notices required or permitted under this section may be served in accordance with s. 713.18. An action, except for an action exclusively for recovery of retainage, must be instituted against the contractor or the surety on the payment bond or the payment provisions of a combined payment and performance bond within 1 year after the performance of the labor or completion of delivery of the materials or supplies. An action exclusively for recovery of retainage must be instituted against the contractor or the surety within 1 year after the performance of the labor or completion of delivery of the materials or supplies, or within 90 days after the contractor's receipt of final payment (or the payment estimate containing the owner's final reconciliation of quantities if no further payment is earned and due as a result of deductive adjustments) by the contractor or surety, whichever comes last. A claimant may not waive in advance his or her right to bring an action under the bond against the surety. In any action brought to enforce a claim against a payment bond under this section, the prevailing party is entitled to recover a reasonable fee for the services of his or her attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions. The time periods for service of a notice of nonpayment or for bringing an action against a contractor or a surety shall be measured from the last day of furnishing labor, services, or materials by the claimant and shall not be measured by other standards, such as the issuance of a certificate of occupancy or the issuance of a certificate of substantial completion.

Section 5. Subsections (26) and (27) of section 713.01, Florida Statutes, are amended to read:

713.01 Definitions.—As used in this part, the term:

(26) "Subcontractor" means a person other than a materialman or laborer who enters into a contract with a contractor for the performance of any part of such contractor's contract, including the removal of solid waste from the real property. The term includes a temporary help firm as defined in s. 443.101.

(27) "Sub-subcontractor" means a person other than a materialman or laborer who enters into a contract with a subcontractor for the performance of any part of such subcontractor's contract, including the removal of solid waste from the real property. The term includes a temporary help firm as defined in s. 443.101.

Section 6. Subsection (7) of section 713.02, Florida Statutes, is amended to read:

713.02 Types of lienors and exemptions.—

(7) Notwithstanding any other provision of this part, no lien shall exist in favor of any contractor, subcontractor, or sub-subcontractor unless such contractor, subcontractor, or sub-subcontractor is licensed, if required to be licensed, as a contractor pursuant to the laws of the jurisdiction within which she or he is doing business.

Section 7. Effective July 1, 2002, paragraph (d) of subsection (1) of section 713.13, Florida Statutes, is amended to read:

713.13 Notice of commencement.—

(1)

(d) A notice of commencement must be in substantially the following form:

Permit No. Tax Folio No.
NOTICE OF COMMENCEMENT
State of
County of

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. Description of property: (legal description of the property, and street address if available) .

2. General description of improvement:

3. Owner information:

a. Name and address:

b. Interest in property:

c. Name and address of fee simple titleholder (if other than Owner):

4.a. Contractor: (name and address) .

b.a. Contractor's phone number:

b. Fax number: (optional, if service by fax is acceptable).

5. Surety

a. Name and address:

b. Phone number:

c. Fax number: (optional, if service by fax is acceptable).

c.d. Amount of bond: \$.

6.a. Lender: (name and address) .

b.a. Lender's phone number:

b. Fax number: (optional, if service by fax is acceptable).

7.a. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)7., Florida Statutes: (name and address) .

b.a. Phone numbers of designated persons number:

b. Fax number: (optional, if service by fax is acceptable).

8.a. In addition to himself or herself, Owner designates of to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.

b.a. Phone number of person or entity designated by owner:

b. Fax number: (optional, if service by fax is acceptable).

9. Expiration date of notice of commencement (the expiration date is 1 year from the date of recording unless a different date is specified).

(Signature of Owner)

Sworn to (or affirmed) and subscribed before me this day of (year), by (name of person making statement) .

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

Type of Identification Produced.

Section 8. Subsections (1) and (2) of section 713.18, Florida Statutes, are amended to read:

713.18 Manner of serving notices and other instruments.—

(1) Service of notices, claims of lien, affidavits, assignments, and other instruments permitted or required under this part, or copies thereof when so permitted or required, unless otherwise specifically provided in this part, must be made by one of the following methods:

(a) By actual delivery to the person to be served; or, if a partnership, to one of the partners; or, if a corporation, to an officer, director, managing agent, or business agent thereof.

(b) By ~~sending mailing~~ the same, ~~postage prepaid~~, by registered or certified mail, ~~with postage prepaid~~, or by overnight or second-day delivery ~~with to the person to be served at her or his last known address and evidence of delivery.~~

1. If a notice to owner, ~~or a notice to contractor under s. 713.23, or a preliminary notice under s. 255.05~~ is mailed by registered or certified mail with postage prepaid to the person to be served at any of the addresses set forth in subparagraph 2. ~~pursuant to this paragraph~~ within 40 days after the date the lienor first furnishes labor, services, or materials, service of that notice is effective as of the date of mailing if the person who served the notice maintains a registered or certified mail log that shows ~~the date the notice was served~~, the registered or certified mail number issued by the United States Postal Service, the name and address of the person served, and the date stamp of the United States Postal Service confirming the date of mailing.

2. If an instrument served pursuant to this ~~section paragraph~~ to the last address shown in the notice of commencement or any amendment thereto or, in the absence of a notice of commencement, to the last address shown in the building permit application, ~~or to the last known address of the person to be served~~, is not received, but is returned by the ~~United States Postal Service~~ as being "refused," "moved, not forwardable," or "unclaimed," or is otherwise not delivered or deliverable through no fault of the person serving the item, then service is effective ~~on the date the notice was sent as of the date of mailing.~~

(c) If ~~none neither~~ of the foregoing methods can be accomplished, by posting on the premises.

(2) If the real property is owned by more than one person ~~or a partnership~~, a lienor may serve any notices or other papers under this part on any one of such owners ~~or partners~~, and such notice is deemed notice to all owners ~~and partners~~.

Section 9. Paragraph (d) of subsection (1) of section 713.23, Florida Statutes, is amended to read:

713.23 Payment bond.—

(1)

(d) In addition, a lienor is required, as a condition precedent to recovery under the bond, to serve a written notice of nonpayment to the contractor and the surety not later than 90 days after the final furnishing of labor, services, or materials by the lienor. A written notice satisfies this condition precedent with respect to the payment described in the notice of nonpayment, *including unpaid finance charges due under the lienor's contract*, and with respect to any other payments which become due to the lienor after the date of the notice of nonpayment. The time period for serving a written notice of nonpayment shall be measured from the last day of furnishing labor, services, or materials by the lienor and shall not be measured by other standards, such as the issuance of a certificate of occupancy or the issuance of a certificate of substantial completion. The failure of a lienor to receive retainage sums not in excess of 10 percent of the value of labor, services, or materials furnished by the lienor is not considered a nonpayment requiring the service of the notice provided under this paragraph. The notice under this paragraph may be in substantially the following form:

NOTICE OF NONPAYMENT

To (name of contractor and address)
(name of surety and address)

The undersigned notifies you that he or she has furnished (describe labor,

services, or materials) for the improvement of the real property identified as (property description). The amount now due and unpaid is \$.....
(signature and address of lienor)

Section 10. Subsection (1) of section 713.245, Florida Statutes, is amended to read:

713.245 Conditional payment bond.—

(1) Notwithstanding any provisions of ss. 713.23 and 713.24 to the contrary, if the contractor's written contractual obligation to pay lienors is expressly conditioned upon and limited to the payments made by the owner to the contractor, the duty of the surety to pay lienors will be coextensive with the duty of the contractor to pay, if the *following provisions are complied with*:

(a) *The bond is listed in the notice of commencement for the project as a conditional payment bond and is recorded together with the notice of commencement for the project prior to commencement of the project.*

(b) *The words "conditional payment bond" are contained in the title of the bond at the top of the front page.*

(c) *The bond contains on the front page, in at least 10-point type, the statement: THIS BOND ONLY COVERS CLAIMS OF SUBCONTRACTORS, SUB-SUBCONTRACTORS, SUPPLIERS, AND LABORERS TO THE EXTENT THE CONTRACTOR HAS BEEN PAID FOR THE LABOR, SERVICES, OR MATERIALS PROVIDED BY SUCH PERSONS. THIS BOND DOES NOT PRECLUDE YOU FROM SERVING A NOTICE TO OWNER OR FILING A CLAIM OF LIEN ON THIS PROJECT.*

Section 11. Subsection (1) of section 725.06, Florida Statutes, is amended to read:

725.06 Construction contracts; limitation on indemnification.—

(1) A construction contract may require a party to that contract to indemnify and hold harmless the other party to the contract, their officers, *directors, agents*, and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the indemnifying party and persons employed or utilized by the indemnifying party in the performance of the construction contract.

Section 12. Subsection (1) of section 725.08, Florida Statutes, is amended to read:

725.08 Design professional contracts; limitation in indemnification.—

(1) ~~Notwithstanding the provisions of s. 725.06~~, If a design professional provides professional services to or for a public agency, the agency may require in a professional services contract with the design professional that the design professional indemnify and hold harmless the agency, and its officers and employees, from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the design professional and other persons employed or utilized by the design professional in the performance of the contract.

Section 13. *Effective July 1, 2002, subsection (3) of section 713.18, Florida Statutes, is repealed.*

Section 14. 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 1, delete line 2 and insert: An act relating to building construction; amending s. 20.165, F.S.; revising a proscription of certain transfers of certain entities; amending s. 95.11, F.S.; providing alternative applications to a statute of limitations for certain legal or equitable actions for actions to enforce claims against payment bonds; revising a statute of limitations for actions to enforce claims against certain payment bonds; amending s. 255.05, F.S.; clarifying criteria for performance of bonds; revising a provision relating to notice of nonpayment for certain labor, materials, or supplies; amending s. 713.01, F.S.; revising certain definitions; amending s. 713.02, F.S.; clarifying a criterion for a

proscription against certain liens; amending s. 713.13, F.S.; deleting authorization for certain fax numbers in notices of commencement; amending s. 713.18, F.S.; revising provisions relating to manner of serving notices and certain instruments; amending s. 713.23, F.S.; including certain unpaid finance charges under a written notice of nonpayment of a payment bond; amending s. 713.245, F.S.; providing additional bond criteria for coextension of a surety's duty to pay lienors with a contractor's duty to pay; amending ss. 725.06, 725.08, F.S.; revising indemnification and hold harmless requirements for construction contracts and design professional contracts; repealing s. 713.18(3), F.S., relating to service of certain notices by facsimile transmission; providing effective dates.

MOTION

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

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

Amendment 1A (101430)(with title amendment)—On page 1, lines 17-26, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 15, lines 7-9, delete those lines and insert: amending s. 95.11, F.S.; providing

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

On motion by Senator Dyer, **SB 428** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: 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, Peaden, Villalobos, Cowin, King, Posey, Wasserman Schultz, Crist, Klein, Pruitt, Webster

Nays—None

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 third time by title.

On motion by Senator Miller, **SB 520** was passed and certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: 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, Peaden, Villalobos, Cowin, King, Posey, Wasserman Schultz, Crist, Klein, Pruitt, Webster

Nays—None

Consideration of **SB 1412** was deferred.

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.

—as amended April 18 was read the third time by title.

On motion by Senator Horne, **CS for CS for SB 400** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Mr. President, Diaz de la Portilla, Laurent, Sanderson, Bronson, 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 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 third time by title.

Senator Webster moved the following amendment:

Amendment 2 (114690)—On page 1, lines 16-25, delete those lines and insert: the child is 8 5 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 5 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 2** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, by two-thirds vote **CS for CS for SB 1672**, **CS for CS for SB 1346** and **CS for SB 2092** which have been reported favorably by the Appropriations Subcommittee on Health and Human Services 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 1558** which has been reported favorably by the Appropriations Subcommittee on Health and Human Services was withdrawn from the Committee on Appropriations; **CS for SB 84** which has been reported favorably by the Appropriations Subcommittee on Public Safety and Judiciary 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; **CS for SB's 336 and 190**, **CS for SB 660** and **CS for SB 1374** which have been reported favorably by the Appropriations Subcommittee on General Government 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; **SB 1394** 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; and **SB 958** which has been reported favorably by the Appropriations Subcommittee on General Government was withdrawn from the Committee on Appropriations.

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

SPECIAL ORDER CALENDAR

Consideration of **SB 968** was deferred.

SENATOR KLEIN PRESIDING

On motion by Senator Dyer—

CS for SB 828—A bill to be entitled An act relating to prevention and control of communicable diseases; amending s. 381.003, F.S.; requiring the Department of Health to adopt certain standards applicable to all public-sector employers; requiring the compilation and maintenance of certain information by the department for use by employers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 828** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dawson—

SB 226—A bill to be entitled An act relating to prisons; creating the "Protection Against Sexual Violence in Florida Jails and Prisons Act"; amending ss. 944.35, 951.23, F.S.; requiring the Criminal Justice Standards and Training Commission to develop a course relating to sexual assault identification and prevention as part of the correctional-officer training program; authorizing the department and county and municipal detention facilities to provide an orientation program and counseling; creating s. 951.221, F.S.; prohibiting sexual misconduct by employees of county or municipal detention facilities; providing for termination of employment under certain circumstances; providing penalties; creating s. 951.223, F.S.; prohibiting an officer or employee of a county or municipal detention facility from receiving any gift or other compensation from a prisoner or making any gift or present to a prisoner without the permission of the administrator of the facility; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1 (641960)—On page 1, delete line 28 and insert:

Section 1. *This act may be*

Amendment 2 (945164)(with title amendment)—On page 3, line 24 through page 4, line 27, delete those lines.

And the title is amended as follows:

On page 1, lines 10-12, delete those lines and insert: creating s.

Amendment 3 (551454)(with title amendment)—On page 5, line 16 through page 6, line 31, delete those lines and redesignate subsequent section.

And the title is amended as follows:

On page 1, lines 2-24, delete those lines and insert: An act relating to prisons; creating the "Protection Against Sexual Violence in Florida Jails and Prisons Act"; amending s. 944.35, F.S.; requiring the Criminal Justice Standards and Training Commission to develop a course relating to sexual assault identification and prevention as part of the correctional-officer training program; creating s. 951.221, F.S.; prohibiting sexual misconduct by employees of county or municipal detention facilities; providing for termination of employment under certain circumstances; providing penalties; providing an effective date.

Pursuant to Rule 4.19, **SB 226** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 1834—A bill to be entitled An act relating to farm labor contractors; amending s. 450.34, F.S.; prohibiting the charging of certain fees to farm laborers; providing an effective date.

—was read the second time by title.

On motion by Senator Miller, further consideration of **SB 1834** was deferred.

On motion by Senator Lee—

CS for SB 202—A bill to be entitled An act relating to the size of individual containers of malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size; creating s. 564.055, F.S.; providing certain size restrictions on containers in which cider is packaged and sold; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 202** was placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

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. Pending **Amendment 2 (114690)** by Senator Webster was withdrawn.

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

Amendment 3 (693564)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Short title.—This act may be cited as the "Child Safety Booster Seat Act of 2001."*

Section 2. Effective January 1, 2002, paragraph (a) of subsection (1) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(1)(a) Every operator of a motor vehicle as defined herein, while transporting a child in a motor vehicle operated on the roadways, streets, or highways of this state, shall, if the child is 8 5 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 *that is appropriate for the height and weight of the child. A crash-tested, federally approved child restraint device is a vehicle manufacturer's integrated child seat, a separate child safety seat, or a child booster seat that displays the child weight and height specifications for the seat on the attached manufacturer's label as required by Federal Motor Vehicle Safety Standards FMVSS213. Such child restraint device must comply with standards of the United State Department of Transportation and should be secured in the vehicle in accordance with instructions of the manufacturer of the 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 5 years *who are less than 4 feet 9 inches in height*, a separate carrier, an integrated child seat, or a *child booster seat must seat belt* ~~may~~ be used. *The court shall dismiss the charge against a motor vehicle operator for a first violation of this paragraph upon proof of purchase of a federally approved child restraint device.*

Section 3. *Notwithstanding that the amendments provided in this act to section 316.613(1)(a), Florida Statutes, shall not take effect until January 1, 2002, effective July 1, 2001, a driver of a motor vehicle who does not violate the then-existing provisions of that paragraph, but whose conduct would violate that paragraph, as it will be amended effective January 1, 2002, may be issued a verbal warning and given educational literature by a law enforcement officer.*

Section 4. Except as otherwise provided herein, 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 child restraint requirements; creating the Child Safety Booster Seat Act of 2001; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing for a phase-in period; providing effective dates.

On motion by Senator Posey, **SB 1412** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Brown-Waite	Geller	Miller	Smith
Burt	Holzendorf	Peaden	Sullivan
Campbell	Horne	Posey	Villalobos
Carlton	Jones	Pruitt	Wasserman Schultz
Clary	Klein	Rossin	Webster
Cowin	Lawson	Sanderson	
Diaz de la Portilla	Lee	Saunders	
Garcia	Meek	Sebesta	

Nays—2

Laurent Silver

Vote after roll call:

Yea—Constantine, Crist, King, Latvala

SPECIAL ORDER CALENDAR, continued

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

SB 1834—A bill to be entitled An act relating to farm labor contractors; amending s. 450.34, F.S.; prohibiting the charging of certain fees to farm laborers; providing an effective date.

—which was previously considered this day.

Senator Villalobos moved the following amendment which was adopted:

Amendment 1 (684602)—On page 1, lines 22-27, delete those lines and insert: *tools or equipment that is incidental to the employer's business, transportation that is incidental to and necessary to the employment, or recruiting fees paid to an agent of the*

Pursuant to Rule 4.19, **SB 1834** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jones, by two-thirds vote **SB 1862**, **SB 1838**, **SB 1590**, **SB 2100** and **SM 2134** were withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **CS for SB 1922** was withdrawn from the Committee on Finance and Taxation; **CS for SB 1920** was withdrawn from the Committee on Governmental Oversight and Productivity; and **CS for CS for SB 1282** was withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

MOTIONS

On motion by Senator Lee, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day were placed at the beginning of the Special Order Calendar for Friday, April 20.

REPORTS OF COMMITTEES

The Committee on Finance and Taxation recommends the following pass: CS for SB 256 with 2 amendments, CS for SB 1750 with 1 amendment, CS for SB 1826 with 2 amendments

The Committee on Judiciary recommends the following pass: CS for CS for SB 856 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 Children and Families recommends the following pass: SB 2216

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

The Committee on Finance and Taxation recommends the following pass: CS for SB 1778

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

The Committee on Children and Families recommends the following pass: SB 1218 with 3 amendments

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

The Committee on Judiciary recommends the following pass: SB 826 with 1 amendment

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

The Committee on Judiciary recommends the following pass: CS for SB 2044 with 1 amendment

The bill was referred to the Committee on Finance and Taxation under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 910 with 3 amendments, CS for SB 2120

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

The Committee on Judiciary recommends the following pass: CS for SB 822 with 1 amendment

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

The Committee on Finance and Taxation recommends the following pass: SB 10, SB 50, SB 54, SB 818, CS for CS for SB 1208, CS for SB 1642

The bills were placed on the calendar.

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 710

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

The Committee on Education recommends committee substitutes for the following: SB 192, SB 930, SB 934, SB 988, Senate Bills 1254 and 1954, SB 1330, SB 1342, SB 1874, SB 1972

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 436

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1470

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: CS for SB 1312

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 1282

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 144, CS for SB 842, CS for SB 1038

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2088

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

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2058

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

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 2158

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2174

The Committee on Comprehensive Planning, Local and Military Affairs recommends committee substitutes for the following: CS for SB 1068, CS for SB 1276, SB 1500

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 294

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1976

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1966

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1956

The Committee on Education recommends a committee substitute for the following: SB 974

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1042

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

The Committee on Transportation recommends a committee substitute for the following: SB 978

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 2146

The bill with committee substitute attached was placed on the calendar.

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on General Government recommends the following pass: SB 1394 with 1 amendment

The Appropriations Subcommittee on Health and Human Services recommends the following pass: CS for SB 1286, CS for SB 1558, CS for SB 1724

The Appropriations Subcommittee on Public Safety and Judiciary recommends the following pass: CS for SB 84 with 1 amendment, CS for SB 1310 with 1 amendment

The Appropriations Subcommittee on Health and Human Services recommends committee substitutes for the following: CS for SB 1346, CS for SB 1672

The Appropriations Subcommittee on Public Safety and Judiciary recommends a committee substitute for the following: CS for SB 1196

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Judiciary; Criminal Justice; and Senator Geller—

CS for CS for SB 144—A bill to be entitled An act relating to improper activity over the Internet; amending s. 847.001, F.S.; defining the term “child pornography” for purposes of ch. 847, F.S.; clarifying the definition of the term “sexual conduct”; defining the term “transmit”; creating s. 847.0137, F.S.; prohibiting transmissions over the Internet of pornography in specified circumstances; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography; amending s. 905.34, F.S.; extending the jurisdiction of a statewide grand jury to certain offenses relating to computer pornography and exploitation; providing an effective date.

By the Committee on Education; and Senator Clary—

CS for SB 192—A bill to be entitled An act relating to student records; amending s. 228.093, F.S.; revising terminology; revising definitions; revising exceptions; providing rights of students; revising the rights of parents or eligible students; expanding the right to a hearing; providing a penalty for third-party violation; clarifying and revising lawful release of records and directory information in certain circumstances; expanding notification requirements; authorizing the release of personally identifiable student records to the Department of Highway Safety and Motor Vehicles for purposes of the compulsory attendance driver’s license eligibility requirements, to the Department of Children and Family Services for purposes of the Learnfare program compulsory attendance requirements, to the court in specific circumstances, and, with respect to post-secondary institutions, to certain victims; providing notification requirements; providing for applicability to records of other nonpublic institutions in certain circumstances; amending s. 232.23, F.S., relating to maintenance and transfer of student records, to conform; reenacting ss. 229.57(6), 240.237, 240.323, 240.40401(3), 242.3315, 381.0056(5), 411.223(2), F.S., relating to student assessment, university student records, community college student records, student financial assistance, student and employee personnel records, school health services, and uniform standards, to incorporate the amendment of s. 228.093, F.S.; providing an effective date.

By the Committees on Judiciary; Comprehensive Planning, Local and Military Affairs; and Senators Sanderson and Geller—

CS for CS for SB 294—A bill to be entitled An act relating to housing; amending s. 420.503, F.S.; redefining the term “elderly”; allowing the Mortgage Revenue Bond Program to be included in the federal fair housing definition of elder housing; amending s. 420.5088, F.S.; allowing funds from the Homeowner’s Assistance Program to be used for certain programs other than those sponsored by the Florida Housing Finance Corporation; amending s. 420.5092, F.S.; including housing for the homeless in eligible housing under the Florida Affordable Housing Guarantee Program; increasing the cap on the Affordable Housing Guarantee Fund; amending s. 760.29, F.S.; providing that a facility or community claiming an exemption from said act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

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

CS for SB 436—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination under s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to

adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing an effective date.

By the Committee on Appropriations; and Senator Brown-Waite—

CS for SB 660—A bill to be entitled An act relating to the Money Transmitters’ Code; amending s. 560.119, F.S.; eliminating examination fees; shifting the deposit of funds from one trust fund to another; amending s. 560.205, F.S.; providing for application fees; amending s. 560.206, F.S.; providing for an extended registration period; amending s. 560.207, F.S.; revising renewal dates and fees; amending s. 560.208, F.S.; providing for notice of branch location openings and closings; providing fees for branch locations and authorized vendors; amending s. 560.307, F.S.; providing fees and notice of openings and closings of branch locations or authorized vendors; amending s. 560.308, F.S.; revising renewal dates and fees; repealing s. 560.118(1)(d) and (e), F.S., which provides for examination costs; providing an effective date.

By the Committees on Judiciary; Governmental Oversight and Productivity; and Senator Crist—

CS for CS for SB 710—A bill to be entitled An act relating to state government; creating the “Florida Customer Service Standards Act”; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that failure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Senator Campbell—

CS for CS for SB 842—A bill to be entitled An act relating to the judiciary; creating ss. 43.201, 43.202, 43.203, 43.204, 43.205, 43.206, 43.207, 43.208, 43.209, F.S.; creating the Capital Case Staff Attorney Program; providing for statewide distribution of capital case staff attorneys; providing for assignment, including assignment to other appellate districts, as needed; providing for selection, supervision, and duties of such attorneys; prescribing qualifications; providing for costs, expenses, and training; providing reporting requirements; providing an appropriation; providing an effective date.

By the Committee on Education; and Senators Clary, Dyer, Sullivan and Miller—

CS for SB 930—A bill to be entitled An act relating to trust funds; creating s. 236.12265, F.S.; creating the Florida Academic Improvement Trust Fund within the Department of Education; providing sources of funds; specifying uses of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Education; and Senators Clary, Dyer, Sullivan and Miller—

CS for SB 934—A bill to be entitled An act relating to Florida Academic Improvement Trust Fund matching grants; creating s. 236.1226, F.S.; creating the Florida Academic Improvement Trust Fund matching grant program; providing legislative intent; requiring the Commissioner of Education to specify certain procedures; specifying uses of funds; providing for disbursement of funds; providing for administration of funds; providing an effective date.

By the Committee on Education; and Senator Bronson—

CS for SB 974—A bill to be entitled An act relating to school attendance by violent offenders; amending s. 230.235, F.S.; requiring schools

to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no-contact order under certain circumstances; amending ss. 985.231, 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; providing an effective date.

By the Committee on Transportation; and Senator Burt—

CS for SB 978—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum security standards for seaports; requiring seaports to implement seaport security plans; requiring the Department of Law Enforcement to adopt rules for specific security standards; providing requirements for such rules; providing requirements for criminal-history checks on applicants for employment or current employees of a seaport; providing for a seaport to request a waiver or variance from a particular standard; requiring that security plans and other information be made available to the Department of Law Enforcement for review; providing for inspections of seaports; providing requirements for compliance by seaports; providing for additional security measures at specified seaports; providing for the Department of Law Enforcement to impose civil penalties if a seaport fails to initiate or take corrective action; providing rulemaking authority; providing an effective date.

By the Committee on Education; and Senator Sullivan—

CS for SB 988—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Senator Sanderson—

CS for CS for SB 1038—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a “vehicular homicide”; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; providing a claim for civil damages; amending ss. 921.0022, 960.03, F.S., relating to the Criminal Pun-

ishment Code offense severity ranking chart and the definition of “crime” with respect to the Florida Crimes Compensation Act; conforming provisions to changes made by the act; providing an effective date.

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

CS for SB 1042—A bill to be entitled An act relating to union activities; prohibiting employee participation in certain activities when the employee is counted in staffing calculations; prohibiting certain costs for Medicaid reporting purposes; specifying certain exemptions to the act; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Senator Sebesta—

CS for CS for SB 1068—A bill to be entitled An act relating to highway safety, motor vehicles, and vessels; amending s. 316.003, F.S.; defining the term “motorized scooter”; amending s. 316.1945, F.S.; revising provisions relating to the parking of vehicles in specified areas; amending s. 316.1951, F.S.; revising provisions regulating removal of certain unlawfully parked vehicles; amending s. 316.1975, F.S.; revising provisions relating to unattended motor vehicles; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending s. 316.228, F.S.; revising provisions relating to the use of lamps on vehicles transporting certain loads; amending s. 316.520, F.S.; revising penalties for violation of load limits on vehicles; exempting certain vehicles carrying agricultural products from load limits; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; amending s. 318.1451, F.S.; requiring governmental entities and courts to maintain information on driver improvement schools; revising the duties of the Department of Highway Safety and Motor Vehicles; amending s. 319.001, F.S.; revising definitions with respect to component parts of motor vehicles; amending s. 319.14, F.S.; revising provisions relating to the sale of certain vehicles; authorizing the Department of Highway Safety and Motor Vehicles to affix a decal on rebuilt vehicles; redefining the term “assembled from parts” and deleting the term “combined”; providing a penalty for the removal of decals designating rebuilt vehicles; amending s. 319.23, F.S.; revising provisions relating to the transfer of ownership of an antique vehicle; amending s. 319.27, F.S.; revising provisions with respect to the filing of liens on motor vehicles and mobile homes; amending s. 319.28, F.S.; revising requirements relating to the transfer of ownership by operation of law; amending s. 319.30, F.S.; redefining the terms “major component part”; providing standards for the sale of certain vehicles; amending s. 320.01, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; conforming the length limitation for a motor home to that established in s. 316.515, F.S.; amending s. 320.023, F.S.; conforming provisions to the Florida Single Audit Act; amending s. 320.025, F.S.; revising provisions relating to the issuance of confidential registration certificates and license plates; amending s. 320.05, F.S.; revising provisions relating to vessel registration records; amending s. 320.055, F.S.; revising registration periods for certain vehicles; amending s. 320.06, F.S.; providing for the placement of registration validation stickers; amending s. 320.0605, F.S.; revising provisions relating to fleet vehicles and registration certificates; amending s. 320.072, F.S.; revising provisions relating to the exemption of certain registration fees; amending s. 320.0805, F.S.; revising provisions relating to the issuance of personalized license plates; amending s. 320.08056, F.S.; providing for the exemption of certain collegiate specialty license plates from sales requirements; amending s. 320.08062, F.S.; conforming provisions to the Florida Single Audit Act; amending s. 320.083, F.S.; revising vehicle weight restrictions relating to the amateur radio operator’s license plate; amending s. 320.089, F.S.; revising vehicle weight restrictions relating to the Ex-POW and Purple Heart license plates; amending s. 320.18, F.S.; providing for cancellation of a license and fuel use decal for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term “motor vehicle auction”; revising requirements relating to motor vehicle dealers; defining the term “bona fide employee”; revising grounds for denial, suspension, or revocation of a dealer license; creating s. 320.691, F.S.; creating the Automobile Dealers Industry Advisory Board within the Department of Highway Safety and Motor Vehicles; providing for appointment of members; providing terms of office; requiring the board to make an annual report to the Governor and the Legislature; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor

vehicle for driver's licensing purposes; amending s. 322.0261, F.S.; requiring the department to regulate and approve certain courses for driver improvement schools; amending s. 322.05, F.S.; conforming a statutory cross-reference; amending s. 322.081, F.S.; conforming provisions to the Florida Single Audit Act; amending s. 322.095, F.S.; requiring the department to approve and regulate certain courses for driver improvement schools; amending s. 322.161, F.S.; increasing the number of points that a driver under a specified age may accumulate before the department is required to issue that driver a restricted license; creating s. 322.222, F.S.; authorizing the department to conduct hearings for medical review cases; amending s. 322.2615, F.S.; revising provisions relating to temporary driving permits; amending s. 322.27, F.S.; revising provisions relating to the revocation of license for habitual traffic offenders; amending s. 322.28, F.S.; deleting obsolete provisions; repealing s. 322.282, F.S., which prescribes procedures governing certain court-ordered reinstatements of a driver's license or driving privilege; amending s. 322.292, F.S.; revising requirements relating to the operation of DUI programs; repealing s. 322.331, F.S., relating to the restoration of the license of habitual traffic offenders; amending s. 322.61, F.S.; revising provisions relating to the disqualification from operating a commercial motor vehicle; amending s. 322.64, F.S.; revising provisions relating to commercial vehicle operators and driving under the influence; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; revising requirements relating to the application for certificate of title; amending s. 328.42, F.S.; revising provisions relating to the payment of certain transactions by dishonored check; amending s. 328.56, F.S.; revising provisions relating to the display of vessel registration numbers; amending s. 328.72, F.S.; revising requirements relating to the transfer of an antique vessel; amending s. 328.76, F.S.; providing for an annual appropriation to the Highway Safety Operating Trust Fund; amending s. 681.1096, F.S.; extending the pilot program an additional period; amending s. 681.1097, F.S.; providing for technical corrections to an arbitrator's decision; prescribing guidelines for appealing an arbitrator's decision; amending s. 681.115, F.S.; expanding the conditions under which agreements may be voided; amending s. 713.78, F.S.; providing for the notification of insurers when a vehicle is towed; revising requirements for selling an unclaimed vehicle or vessel; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending s. 715.07, F.S.; redefining the term "vessel"; providing for the removal of undocumented vessels from private property; amending s. 832.09, F.S.; providing for the use of a standardized form in reporting certain information to the department; providing effective dates.

By the Committee on Education; and Senators Wasserman Schultz and Rossin—

CS for SB's 1254 and 1954—A bill to be entitled An act relating to school facilities; amending s. 230.23, F.S.; providing an example of a school-within-a-school; amending s. 235.2157, F.S.; modifying small-school student-population limits; providing for exceptions to the small-schools requirements; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Senator Lee—

CS for CS for SB 1276—A bill to be entitled An act relating to driver's licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver's license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Criminal Justice; and Senators Burt and Horne—

CS for CS for SB 1282—A bill to be entitled An act relating to property crimes; amending s. 812.014, F.S.; providing second-degree-felony penalties for theft of certain emergency medical equipment;

amending s. 812.015, F.S.; redefining the term "retail theft" to include theft of property and altering or removing a universal product code; redefining the term "antishoplifting or inventory control device" to include electronic or digital imaging or film used for security purposes and cash register receipts; redefining the term "antishoplifting or inventory control device countermeasure" to include any item or device used to defeat an antishoplifting or inventory control device; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; increasing the penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing that it is a third-degree felony to commit certain types of retail theft; creating s. 812.0155, F.S.; authorizing the court to order that a person's driver's license be suspended following an adjudication of guilt for certain misdemeanor violations involving theft; requiring that the court order that a person's driver's license be suspended following a second or subsequent adjudication of guilt for certain misdemeanor violations involving theft; providing for an increased period of suspension for a second or subsequent adjudication; authorizing the court to revoke, suspend, or withhold issuance of a minor's driver's license as an alternative to certain other sanctions; creating s. 812.017, F.S.; providing penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; prohibiting the use of a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of the authorized user of the payment card and with intent to defraud certain individuals or entities; prohibiting the use of a re-coder to place information onto a payment card without the permission of the authorized user of the payment card and with intent to defraud certain individuals or entities; providing a penalty; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to a second conviction of uttering forged bills, to incorporate the amendment to s. 831.09, F.S., in references thereto; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; prohibiting the counterfeiting of payment instruments with intent to defraud; prohibiting the possession of a counterfeit payment instrument; providing penalties; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S., relating to worthless checks, drafts, or debit card orders; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition and operation of such a task force; providing for severability; providing an effective date.

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

CS for CS for SB 1312—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; amending s. 154.02, F.S.; requiring that certain moneys in each County Health Department Trust Fund be set aside and used for specified purposes; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0059, F.S.; revising background-screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016, 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; amending s. 401.113, F.S.; providing for use of funds in the

Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the department to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; revising provisions relating to pharmacy wholesaler permits; amending s. 742.10, F.S.; requiring a voluntary acknowledgement of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 383.14, F.S.; specifying that screenings for specified medical disorders must be performed by the state Public Health Laboratory; 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; amending s. 509.049, F.S.; revising provisions relating to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; providing an effective date.

By the Committee on Education; and Senators Miller and Sullivan—

CS for SB 1330—A bill to be entitled An act relating to student financial assistance; creating the Vocational Student Assistance Grant Program; providing eligibility criteria for students and educational institutions; establishing conditions for the amount of an award; providing program criteria; providing restrictions; providing administrative procedures; requiring certain reports; requiring recommendations of the Postsecondary Education Planning Commission, the State Board of Nonpublic Career Education, and the State Board of Independent Colleges and Universities; amending s. 231.621, F.S.; authorizing alternative payment procedures for a loan forgiveness program; amending s. 240.40201, F.S.; extending and placing a limit upon the eligibility period for the Florida Bright Futures Scholarship Program; redesignating the Florida Merit Scholarship as the Florida Medallion Scholarship; amending s. 240.40202, F.S.; defining terms; revising application dates for the Florida Bright Futures Scholarship Program; amending s. 240.40203, F.S.; defining terms; providing conditions for awards to students in programs that confer post-baccalaureate degrees; conforming provisions; amending s. 240.40204, F.S.; conforming provisions; amending s. 240.40205, F.S.; eliminating obsolete provisions; amending s. 240.40206, s. 240.40207, F.S.; conforming provisions; amending s. 240.40209, F.S.; directing the Department of Education to define fee calculation; amending s. 240.404, F.S.; requiring an application process; providing conditions for maintaining status as a resident for tuition purposes; amending s. 240.4063, F.S.; conforming provisions; amending s. 240.4064, F.S.; revising the tuition reimbursement rate; amending s. 240.409, F.S.; authorizing certain grants for part-time students; revising terms of eligibility for certain grants; amending ss. 240.4095, 240.4097, F.S.; conforming provisions; amending s. 240.412, F.S.; conforming provisions; amending s. 240.4126, F.S.; establishing the amount of an award; conforming provisions; amending ss. 240.4128, 240.413, F.S.; conforming provisions; amending s. 240.437, F.S.; authorizing administration by the Department of Education for certain scholarship programs; amending ss. 240.472, 240.6073, 240.6074, 240.6075, F.S.; conforming provisions; amending ss. 295.01, 295.02, F.S.; providing eligibility for students attending certain postsecondary institutions; repealing s. 240.40208, F.S., relating to the transition period for the Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to criteria for use of certain scholarship funds by children of deceased or disabled veterans; repealing s. 240.465(5), F.S., relating to withholding the academic transcript of a borrower who is in default in repayment of student loans; providing effective dates.

By the Committee on Education; and Senators Klein, Sanderson, Sullivan and Dawson—

CS for SB 1342—A bill to be entitled An act relating to postsecondary education; creating s. 240.401, F.S.; creating the Florida Public Student Assistance Grant program for part-time students; providing for rule-making by the State Board of Education; providing purpose; providing eligibility criteria; requiring participating institutions to report certain information to the Department of Education; requiring the department to allocate to public postsecondary institutions funds to be distributed under this program; providing an effective date.

By the Committees on Judiciary; Governmental Oversight and Productivity; and Senators Cowin and Crist—

CS for CS for SB 1470—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; revising procedures for the appointment of members to each judicial nominating commission; prohibiting judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; providing for suspension or removal; requiring the Governor, in making appointments, to seek to ensure racial, ethnic, gender, and geographical diversity of membership; requiring consideration of county representation on circuit judicial nominating commissions; amending s. 112.3145, F.S.; providing that members of judicial nominating commissions are state officers for purposes of financial disclosure requirements; providing an appropriation; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

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

CS for SB 1500—A bill to be entitled An act relating to enterprise zone designation; requiring designation of an enterprise zone in the City of Hialeah under certain circumstances notwithstanding certain limitations; providing requirements; providing an effective date.

By the Committee on Education; and Senator Sullivan—

CS for SB 1874—A bill to be entitled An act relating to postsecondary education; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell work products; providing for any or all of the proceeds derived from such activities to be used to develop and maintain the computer-assisted student advising system; requiring review and comment by legislative leaders; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Latvala and Sanderson—

CS for SB 1956—A bill to be entitled An act relating to motor vehicles dealers; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; requiring the trial court to consider certain information when awarding attorney's fees; repealing s. 320.27(9)(n), F.S., relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing an effective date.

By the Committee on Judiciary; and Senator Sullivan—

CS for SB 1966—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing

the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

By the Committee on Education; and Senator Peaden—

CS for SB 1972—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing requirements for conversion to charter schools; establishing new purposes for charter schools; prohibiting a sponsor from charging an application fee; removing a school board's ability to refuse to follow the recommendation of the State Board of Education for good cause in cases of charter-school appeals; removing the limit on the number of charters a school district may issue; permitting a charter school to admit students on the basis of artistic, academic, or other standards; revising requirements regarding the capacity of the charter school; granting a charter school's governing board the right to appeal a school board's decision to terminate a charter school; changing the procedure for granting a charter school an exemption from statutory provisions; revising the requirements for the staff of a charter school; revising procedures relating to the administrative fee charged by a school district; revising requirements for a charter school in the workplace; amending s. 228.0561, F.S.; revising procedures relating to funding for charter-school facilities; amending s. 228.058, F.S.; requiring public schools in a charter district to vote by a time certain to convert to a charter school; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school; providing an effective date.

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

CS for SB 1976—A bill to be entitled An act relating to the Spaceport Florida Authority; amending s. 331.367, F.S.; revising the membership and functions of entities under the Spaceport Management Council; amending s. 331.368, F.S.; revising provisions relating to the authority of the Florida Space Research Institute; providing an effective date.

By the Committees on Judiciary; Agriculture and Consumer Services; and Senator Sebesta—

CS for CS for SB 2058—A bill to be entitled An act relating to animal control; amending s. 767.12, F.S.; revising provisions relating to procedures for having dogs declared dangerous; authorizing animal control authorities to make such declarations; providing for evidentiary hearings; requiring confinement of animals during the hearing process; requiring owners of dangerous dogs to purchase an annual certificate; providing for local governments to authorize certain regulations; providing that certain dogs brought into a jurisdiction to register and must comply with the act; amending s. 767.13, F.S.; requiring owners to pay for boarding during certain hearings and appeals and allowing the authority to euthanize an animal and obtain reimbursement from the owner under specified circumstances; amending s. 767.14, F.S.; deleting an application exemption; amending s. 828.055, F.S.; authorizing additional drugs for which permits may be issued for the capture or euthanasia of animals; amending s. 828.058, F.S.; requiring chemical immobilization training, which training must be approved by the Board of Veterinary Medicine; amending s. 828.03, F.S.; requiring training for certain agents of counties or societies that may prosecute violators; amending s. 828.073, F.S.; authorizing officers and agents of municipalities to take actions with respect to animals in distress and officers and agents of counties; amending s. 828.27, F.S.; redefining the term "animal control officer"; increasing training requirements; providing an effective date.

By the Committee on Education; and Senator Rossin—

CS for SB 2088—A bill to be entitled An act relating to prepaid college tuition; amending s. 240.551, F.S.; authorizing the purchase of

advance payment contracts for scholarships by nonprofit organizations; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Health, Aging and Long-Term Care; and Senator Mitchell—

CS for CS for SB 2146—A bill to be entitled An act relating to medical records; providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

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

CS for SB 2158—A bill to be entitled An act relating to health care; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the department to notify the patient or legal representative of the status of a disciplinary case; requiring the agency to provide certain information to the complainant; amending s. 456.077, F.S.; specifying violations for which the department or a regulatory board may issue citations; amending s. 456.074, F.S.; revising grounds for the emergency suspension of a license; amending s. 456.081, F.S.; requiring the department and regulatory boards to maintain a website containing specified information; amending ss. 458.331, 459.015, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 465.019, 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the department and agency to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s. 468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3), 468.1735, F.S., to incorporate the amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1) in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a), 626.989(6), F.S., to incorporate the amendment in references; amending s. 766.1115, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data verified by the department or its designee may be relied upon to meet accreditation purposes; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for

children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; providing requirements under the nursing scholarship program for students seeking to qualify for a nursing faculty position and receive credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant-notification process; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; requiring study by the Office of Program Policy Analysis and Government Accountability of the feasibility of maintaining all of Medical Quality Assurance in one state agency; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental claims; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic violence 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; amending s. 468.302, F.S.; revising requirements for an exemption from certification under part IV of ch. 468, F.S.; providing additional exemptions from certification; amending ss. 468.352, 468.355, 468.357, 468.358, 468.359, F.S.; revising definitions and provisions relating to licensure and use of titles and abbreviations to correct and conform terminology with respect to respiratory therapists and respiratory care practitioners; amending s. 468.1155, F.S.; revising provisions governing provisional licensure to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising accreditation provisions applicable to certification of speech-language pathology or audiology assistants; amending s. 480.033, F.S.; conforming terminology in the definition of "massage"; amending s. 484.0445, F.S.; revising provisions governing training programs; amending s. 484.045, F.S.; revising licensing requirements and procedures; conforming a cross-reference; amending s. 490.012, F.S.; revising provisions relating to titles and descriptions; amending s. 490.014, F.S.; revising provisions relating to exemptions; amending s. 491.012, F.S.; revising prohibitions against the unlicensed practice of clinical social work, marriage and family therapy, and mental health counseling to provide that practice by registered interns is lawful; amending s. 456.057, F.S.; authorizing the regulatory boards or the department to appoint a medical records custodian; creating the Florida Center for Nursing; providing for a board of directors; providing goals, powers, and duties of the board; providing objectives for the center; providing for appointment, terms, and expense reimbursement of board members; amending s. 499.012, F.S.; providing an additional condition under which a retail pharmacy wholesaler's permit may be issued; providing a short title; defining the term "pharmaceutical adverse incident" and requiring that such incidents be reported to the Department of Health; providing for the adoption of rules and forms; amending s. 484.002, F.S.; redefining the term "opticianry" and defining the term "contact lenses"; amending ss. 484.002, 484.006, 484.012, F.S.; replacing references to the term "medical doctor" with the term "allopathic or osteopathic physician"; amending s. 484.013, F.S.; revising provisions prescribing violations and penalties applicable to the practice

of opticianry; amending s. 484.015, F.S.; revising inspection authority; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; providing an offense severity ranking for the offense of practicing opticianry without a license; amending s. 483.245, F.S.; revising provisions governing prohibited referrals to licensed clinical laboratories; providing effective dates.

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

CS for SB 2174—A bill to be entitled An act relating to insurance; amending s. 624.318, F.S.; requiring access to records by the department; repealing s. 624.501(11) and (23), F.S.; repealing provisions establishing specified fees; amending s. 626.112, F.S.; prohibiting certain activities that constitute solicitation of insurance by unlicensed persons; amending s. 626.171, F.S.; revising agent application requirements; amending s. 626.181, F.S.; extending a period of eligibility for reappointment; creating s. 626.202, F.S.; requiring fingerprinting of specified persons; amending s. 626.431, F.S.; extending the nonappointment period to 48 months; amending s. 626.521, F.S.; requiring certain information upon demand of the department; amending s. 626.541, F.S.; requiring notification to the department of certain name changes and other information; amending s. 626.5715, F.S.; removing a requirement that the Department of Insurance adopt rules to assure parity of regulation; providing that the Insurance Code applies to all transactions; amending s. 626.601, F.S.; revising a confidentiality provision; amending s. 626.611, F.S.; prohibiting the sale of unregistered securities; amending ss. 626.741, 626.792, 626.835, F.S.; limiting the authority of certain nonresident licensees to that granted by the resident state; amending s. 626.8427, F.S.; revising provisions governing the duration of licenses; amending s. 626.856, F.S.; revising the definition of the term "company employee adjuster"; amending s. 626.872, F.S.; limiting the term of a temporary adjuster's license; amending s. 626.873, F.S.; revising a catchline regarding nonresident company adjusters; amending s. 627.927; limiting an experience requirement for surplus lines agents; extending a renewal grace period; creating s. 626.9531, F.S.; requiring the identification of certain persons in advertisements and other communications; amending ss. 648.315, 648.38, 648.384, F.S.; extending a period of eligibility for reappointment; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 18 was corrected and approved.

CO-SPONSORS

Senators Carlton—CS for SB 1118, CS for SB 1120, CS for SB 1122; Crist—CS for CS for SB 1470; Klein—SB 122; Sebesta—CS for SB 466; Villalobos—SB 2166

RECESS

On motion by Senator Lee, the Senate recessed at 4:52 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, April 20.