



Journal of the Senate

Number 18—Regular Session

Friday, April 20, 2001

CONTENTS

Bills on Third Reading 432
 Call to Order 431
 Co-Sponsors 451
 Committee Substitutes, First Reading 447
 Moment of Silence 432
 Motions 446
 Motions Relating to Committee Meetings 446
 Motions Relating to Committee Reference 432, 446
 Point of Order 436
 Point of Order Ruling 436
 Reports of Committees 447
 Resolutions 431
 Special Guests 431
 Special Order Calendar 435

CALL TO ORDER

The Senate was called to order by President McKay at 9:21 a.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

PRAYER

The following prayer was offered by Pastor Doyle Bell, Fellowship Baptist Church, Tallahassee:

Our Father, we thank you this morning for the opportunity to be in a place such as this where we can open this kind of session in prayer just by sharing with you from our heart. We give you praise and thanks for all these in this room today, particularly those who have been elected by their constituency to come and represent them in the State.

Lord, we ask that today you give them wisdom for all about which they will debate and those issues that will be before them. Lord, we just look forward to the very best for the people of our State and this Nation. Father, we lift up their families who are back home when, Lord, we know that today you can take care of them and meet their needs, even while these are away. So we pray for them today and ask your very best for them.

Again, we thank you for the privilege to be in this place to be a part of this kind of process here in these United States. Lord, we thank you for the freedom that we exercise in this place and for all that, we give you praise and look forward to a great day. In the name of the Father, the Son and the Holy Spirit. Amen.

PLEDGE

Senate Pages LaToya Smithwick of Havana, Lauren Madera of Fort Lauderdale and Elizabeth "Liz" Mayernick of Niceville, 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 Smith, as doctor of the day. Dr. Paulus specializes in Anesthesiology.

ADOPTION OF RESOLUTIONS

On motion by Senator Wasserman Schultz—

By Senator Wasserman Schultz—

SR 2320—A resolution recognizing Familial Dysautonomia as a serious genetic disease affecting certain residents of this state and recognizing June 10, 2001, as Familial Dysautonomia Day.

WHEREAS, Familial Dysautonomia is present from birth and slowly deteriorates the autonomic and sensory nerve cells, and all children with Familial Dysautonomia have the same basic problem, incomplete development of nerve cells, and

WHEREAS, some children also have secondary problems, but the degree to which a particular child is affected will vary, even within the same family, and a child may experience all or only some of the secondary problems, such as feeding problems, blood pressure fluctuation, inability to regulate body temperature, inability to feel pain or feel hot or cold, a lack of overflow tears, vomiting, poor growth, spinal curvature, lung problems and chronic upper respiratory infections, and learning disabilities, and

WHEREAS, 60 percent of those affected with Familial Dysautonomia require tube feedings, and, despite advances in medical treatment, only 50 percent of those affected with Familial Dysautonomia will live to be only 30 years old, and

WHEREAS, the Familial Dysautonomia Gene Mutation has been identified, and, now that testing will be available, this knowledge of testing and education will help prevent further suffering of children and parents, NOW, THEREFORE,

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

That the Florida Senate recognizes Familial Dysautonomia as a serious genetic disease affecting certain residents of this state and recognizes June 10, 2001, as Familial Dysautonomia Day.

—was introduced out of order and read by title. On motion by Senator Wasserman Schultz, **SR 2320** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Wasserman Schultz introduced the following guests who were present in the gallery: Edward and Sondra Mallow and their children Jordan, Samantha and Maxine.

On motion by Senator Klein—

By Senator Klein—

SR 2336—A resolution recognizing April 22nd, 2001, as "Day of Tolerance" in observance of Yom HaShoa (Holocaust Day).

WHEREAS, the Jewish community observes the remembrance of the Holocaust each year on the 27th day of the Hebrew month of Nisan, corresponding this year to the 22nd day of April 2001, and

WHEREAS, the Holocaust was a defining moment in history with implications for all mankind, and

WHEREAS, it is incumbent on all people to learn from the lesson of the Holocaust and fight the potential for hatred and bigotry in society, and

WHEREAS, it is our sacred challenge to call upon the good that is in each of us and to reach out to others in brotherhood and understanding, and

WHEREAS, we should remember the atrocities committed by Nazi Germany and their collaborators and recognize that each of us must remain eternally vigilant against all tyranny, NOW, THEREFORE,

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

That the Florida Senate recognizes April 22, 2001, as a “Day of Tolerance” to coincide with the observance of Yom HaShoa (Holocaust Day), so that all Floridians may unite in memory and resolve to learn from history in our common quest for mutual respect and understanding.

—was introduced out of order and read by title. On motion by Senator Klein, **SR 2336** was read the second time in full and adopted.

MOMENT OF SILENCE

At the request of Senator Villalobos, the President asked that the Senate observe a moment of silence in memory of Kenneth R. Palmer, Florida State Courts Administrator, who passed away early this morning.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Horne, by two-thirds vote **CS for SB 1640** which has been reported favorably by the Appropriations Subcommittee on Education was withdrawn from the Committee on Appropriations; and **CS for CS for SB 2108** which has been reported favorably by the Appropriations Subcommittee on General Government with committee substitute, was withdrawn from the Committee on Appropriations and the committee substitute recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

BILLS ON THIRD READING

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 third time by title.

On motion by Senator Dyer, **CS for SB 828** 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 226—A bill to be entitled 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.

—as amended April 19 was read the third time by title.

On motion by Senator Dawson, **SB 226** 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 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.

—as amended April 19 was read the third time by title.

Senator Miller moved the following amendment which was adopted:

Amendment 1 (600950)—On page 1, line 23, delete “*incident*” and insert: *incidental*

On motion by Senator Miller, **SB 1834** as amended was passed, ordered engrossed and then 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 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 third time by title.

On motion by Senator Lee, **CS for SB 202** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Carlton	Dawson	Horne
Bronson	Clary	Diaz de la Portilla	Jones
Brown-Waite	Constantine	Dyer	Klein
Burt	Cowin	Garcia	Latvala
Campbell	Crist	Geller	Laurent

Lawson	Peaden	Saunders	Villalobos
Lee	Posey	Sebesta	Wasserman Schultz
Meek	Pruitt	Silver	
Miller	Rossin	Smith	
Mitchell	Sanderson	Sullivan	
Nays—2			
King	Webster		

On motion by Senator Lee, by two-thirds vote **HB 659** was withdrawn from the Committee on Rules and Calendar.

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

HB 659—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.513, 17.26, 20.12, 20.315, 20.3315, 20.50, 24.113, 39.0015, 39.202, 39.3065, 55.209, 101.545, 110.112, 121.021, 121.051, 125.0108, 163.065, 163.2517, 163.345, 163.458, 166.231, 171.093, 186.504, 192.001, and 212.08, F.S.; renumbering s. 20.171(5)(c), F.S.; reenacting ss. 20.316(4)(f), 162.04(5), and 212.055(2)(c), F.S.; and repealing ss. 20.331(6)(d), 121.091(9)(b)11., 122.20(2), 163.2520(3), and 210.20(2)(b), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 276** as amended and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 659** was read the third time by title, 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

On motion by Senator Lee, by two-thirds vote **HB 661** was withdrawn from the Committee on Rules and Calendar.

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

HB 661—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 215.96, 216.015, 216.177, 216.181, 216.348, 218.21, 228.082, 228.195, 229.006, 229.085, 229.57, 231.262, 231.6215, 232.50, 233.0655, 233.068, 235.26, 236.1225, 240.145, 240.2995, 240.345, 240.40208, 240.5285, 240.529, 240.711, 252.32, 252.34, 252.35, 252.36, 252.38, 252.46, 252.47, 252.50, 252.52, 253.115, 253.7829, 255.101, 255.102, 255.25, 255.5535, 259.037, 259.101, 265.284, 267.171, 282.303, 283.33, 285.18, 287.042, 287.055, 287.057, 287.0943, 288.012, 288.106, 288.1066, 288.1167, 288.1169, 288.1229, 290.0065, 290.007, 320.0848, 320.20, 320.27, 323.001, 328.16, 331.304, and 348.7543, F.S.; reenacting ss. 216.292(1)(b), 228.056(10), 231.600, 259.032(12), 265.284(4), 287.055(4)(b), and 322.051(1), F.S.; and repealing ss. 236.25(5)(b)1.-3. and 288.7771(1), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpreta-

tion; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 278** as amended and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 661** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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	Miller	Sullivan
Clary	Horne	Mitchell	Villalobos
Constantine	Jones	Peaden	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

On motion by Senator Lee, by two-thirds vote **HB 663** was withdrawn from the Committee on Rules and Calendar.

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

HB 663—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 370.0603, 370.092, 370.093, 370.12, 372.5712, 372.5715, 373.4135, 375.021, 376.30713, 377.703, 380.012, 380.0555, 381.003, 381.004, 381.0065, 381.0303, 381.90, 383.50, 384.29, 393.0641, 394.875, 395.0163, 395.4045, 395.602, 395.7015, 400.0091, 400.022, 400.023, 400.141, 400.408, 400.464, 400.980, 402.166, 402.28, 402.50, 403.031, 403.714, 403.718, 403.7191, 403.7192, 408.02, 408.0361, 409.145, 409.1685, 409.908, 409.912, 409.946, 414.105, 418.302, 420.506, 420.507, 435.03, 435.05, 435.07, 440.15, 440.381, 440.4416, 443.1715, 445.024, 446.50, 456.025, 456.039, 458.3135, 458.319, and 460.403, F.S.; reenacting ss. 370.021(2), 375.045, 397.405, 409.9122(1), 445.003(6)(b), 445.009(7)(c), 467.001, 467.002, 467.004, 467.011, 467.0125, 467.014, 467.015, 467.016, 467.017, 467.201, 467.203, 467.205, 467.207, and 468.354(3)(b), F.S.; and repealing ss. 373.4593(2)(a)-(c), 381.0045(3), 383.0112(2)(g), 411.01(9)(c), 421.37, 421.38, 421.39, 421.40, 421.41, 421.42, 421.43, 421.44, 421.45, 427.0159(2), and 464.0045, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 280** as amended and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 663** was read the third time by title, 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 282—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 470.016, 471.025, 472.001, 472.003, 472.005, 472.011, 472.015, 472.021, 472.025, 472.027, 472.031, 472.037, 476.024, 494.0017, 498.025, 499.015, 499.03, 499.05, 501.34, 514.0231, 527.01, 527.02, 538.11, 550.904, 550.912, 553.381, 553.507, 553.902, 569.11, 570.21, 576.045, 589.065, 597.003, 597.0041, 607.1901, 617.1622, 620.8101, 620.9901, 626.112, 626.621, 626.6215, 626.797, 626.844, 626.8734, 626.909, 626.9911, 626.99275, 627.031, 627.062, 627.357, 627.481, 627.6487, 627.6699, 627.6735, 627.736, 627.9403, 627.9407, 627.94072, 627.944, 628.909, 631.718, and 631.911, F.S.; and repealing ss. 489.1136(1)(g), 499.005(26), 550.2633(3) and (4), 624.408(1)(b)1., and 627.0661, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—as amended March 7 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **SB 282** to **HB 665**.

Pending further consideration of **SB 282** as amended, on motion by Senator Lee, by two-thirds vote **HB 665** was withdrawn from the Committee on Rules and Calendar.

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

HB 665—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 470.016, 471.025, 472.001, 472.003, 472.005, 472.011, 472.015, 472.021, 472.025, 472.027, 472.031, 472.037, 476.024, 494.0017, 498.025, 499.015, 499.03, 499.05, 501.34, 514.0231, 527.01, 527.02, 538.11, 550.6305, 550.904, 550.912, 553.381, 553.507, 553.902, 569.11, 570.21, 576.045, 589.065, 597.003, 597.0041, 607.1901, 617.1622, 620.8101, 620.9901, 626.112, 626.621, 626.6215, 626.797, 626.844, 626.8734, 626.909, 626.9911, 626.99275, 627.031, 627.062, 627.357, 627.481, 627.6487, 627.6699, 627.6735, 627.736, 627.9403, 627.9407, 627.94072, 627.944, 628.909, 631.718, and 631.911, F.S.; and repealing ss. 489.1136(1)(g), 499.005(26), 550.2633(3) and (4), 624.408(1)(b)1., and 627.0661, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 282** as amended and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 665** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Latvala	Sanderson
Bronson	Diaz de la Portilla	Laurent	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	

Nays—None

Vote after roll call:

Yea—Lawson

On motion by Senator Lee, by two-thirds vote **HB 667** was withdrawn from the Committee on Rules and Calendar.

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

HB 667—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 632.635, 633.021, 633.025, 634.191, 634.281, 641.185, 641.225, 642.032, 642.043, 648.44, 651.095, 651.106, 655.50, 655.962, 663.02, 663.09, 663.14, 715.07, 718.103, 718.111, 718.112, 718.504, 784.075, 817.55, 828.1231, 849.086, 849.0931, 914.27, 921.0022, 943.08, 943.11, 943.125, 960.065, 984.03, 985.201, 985.215, 985.225, and 985.228, F.S.; and reenacting ss. 985.23 and 985.3141, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 284** and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 667** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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	Wasserman Schultz
Cowin	King	Posey	Webster
Crist	Klein	Pruitt	

Nays—None

Vote after roll call:

Yea—Villalobos

On motion by Senator Lee, by two-thirds vote **HB 669** was withdrawn from the Committee on Rules and Calendar.

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

HB 669—A reviser’s bill to be entitled An act relating to the Florida Statutes; repealing ss. 17.43(3), 20.2553(3), 61.182, 240.3835, 240.408, 290.0075, 403.8533(3), 442.001, 442.002, 442.003, 442.004, 442.005, 442.006, 442.007, 442.008, 442.009, 442.0105, 442.011, 442.012, 442.013, 442.014, 442.015, 442.016, 442.017, 442.018, 442.019, 442.020, 442.021, 442.022, 442.023, 442.101, 442.102, 442.103, 442.104, 442.105, 442.106, 442.107, 442.108, 442.109, 442.111, 442.112, 442.113, 442.115, 442.116, 442.118, 442.1185, 442.119, 442.121, 442.123, 442.125, 442.126, 442.127, 442.20, 442.21, 570.205(3), and 713.5955, F.S., pursuant to s. 11.242, F.S.; all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 2001 only through a reviser’s bill duly enacted by the Legislature; repealing s. 290.009(2)(c), F.S., to conform to the repeal of s. 290.0075, F.S.; repealing s. 448.24(2)(d), F.S., to conform to the repeal of chapter 442, F.S.

—a companion measure, was substituted for **SB 288** as amended and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 669** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Burt	Clary	Crist
Bronson	Campbell	Constantine	Dawson
Brown-Waite	Carlton	Cowin	Diaz de la Portilla

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

Nays—None

On motion by Senator Lee, by two-thirds vote **HB 671** was withdrawn from the Committee on Rules and Calendar.

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

HB 671—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.90, 228.082, 445.004, 570.61, and 893.138, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—a companion measure, was substituted for **SB 290** and read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 671** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **SB 968** was deferred.

SENATOR BROWN-WAITE PRESIDING

On motion by Senator Garcia—

CS for SB 1012—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.; changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria, requirements, procedures, and limitations for energy performance contracts; providing for program administration and contract review by the Department of Management Services and the Office of the Comptroller; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1012** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for CS for SB’s 1526 and 314—A bill to be entitled An act relating to the Money Transmitter’s Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; amending s. 560.118, F.S.; eliminating the authority

to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.204, F.S.; clarifying exemption from registration fees under part III of ch. 560, F.S.; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer’s check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB’s 1526 and 314** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 2060—A bill to be entitled An act relating to the Department of Insurance; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term “claim” for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.31, F.S.; specifying reimbursement for emergency services under health maintenance organization contracts; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment:

Amendment 1 (782442)(with title amendment)—On page 17, lines 23 and 24, delete those lines and insert:

Section 17. Section 626.9651, Florida Statutes, is created to read:

626.9651 Privacy.—The department shall adopt rules consistent with other provisions of the Insurance Code to govern the use of a consumer’s nonpublic personal financial and health information. These rules shall be based on, consistent with, and not more restrictive than the National Association of Insurance Commissioners’ Privacy of Consumer Financial and Health Information Regulation adopted September 26, 2000, by the

National Association of Insurance Commissioners, provided, however, the rules shall permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research in accordance with federal law. In addition, these rules shall be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999 (Pub. L. No. 106-102). Any health insurer or health maintenance organization determined by the department to be in compliance with, or to be actively undertaking compliance with, the consumer privacy protection rules promulgated by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, shall be deemed in compliance with this section. This section shall take effect July 1, 2001.

Section 18. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer's nonpublic personal financial and health information by health insurers and health maintenance organizations; providing standards governing the rules;

POINT OF ORDER

Senator Latvala raised a point of order that pursuant to Rule 7.1 **Amendment 1** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

RULING ON POINT OF ORDER

The President ruled the point well taken and the amendment out of order.

MOTION

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

Senator Geller moved the following amendment which was adopted:

Amendment 2 (374696)—On page 3, lines 3-9, delete those lines and insert:

Section 3. Paragraphs (n) and (o) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

- (n) Free insurance prohibited.—
 1. Advertising, offering, or providing free insurance as an inducement to the purchase or sale of real or personal property or of services directly or indirectly connected with such real or personal property.
 2. For the purposes of this paragraph, "free" insurance is:
 - a. Insurance for which no identifiable and additional charge is made to the purchaser of such real property, personal property, or services.
 - b. Insurance for which an identifiable or additional charge is made in an amount less than the cost of such insurance as to the seller or other person, other than the insurer, providing the same.
 3. Subparagraphs 1. and 2. do not apply to:
 - a. Insurance of, loss of, or damage to the real or personal property involved in any such sale or services, under a policy covering the interests therein of the seller or vendor.
 - b. Blanket disability insurance as defined in s. 627.659.
 - c. Credit life insurance or credit disability insurance.

d. Any individual, isolated, nonrecurring unadvertised transaction not in the regular course of business.

e. Title insurance.

f. Any purchase agreement involving the purchase of a cemetery lot or lots in which, under stated conditions, any balance due is forgiven upon the death of the purchaser.

g. Life insurance, trip cancellation insurance, or lost baggage insurance offered by a travel agency as part of a travel package offered by and booked through the agency.

h. *Third-party payor programs approved by the department.*

4. Using the word "free" or words which imply the provision of insurance without a cost to describe life or disability insurance, in connection with the advertising or offering for sale of any kind of goods, merchandise, or services.

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 3 (055140)(with title amendment)—On page 17, between lines 22 and 23, insert:

Section 17. Subsection (2) of section 631.55, Florida Statutes, is amended to read:

631.55 Creation of the association.—

(2) For the purposes of administration and assessment, the association shall be divided into *four* ~~three~~ separate accounts:

(a) The auto liability account;

(b) The auto physical damage account; ~~and~~

(c) *The medical malpractice account; and*

(d)(e) *The account for all other insurance to which this part applies.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, following the semicolon (;) insert: amending s. 631.55, F.S.; creating a medical malpractice account within the Florida Insurance Guaranty Association;

Senator Geller moved the following amendment which was adopted:

Amendment 4 (694042)(with title amendment)—On page 17, between lines 22 and 23, insert:

Section 17. Paragraph (b) of subsection (2) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(b) The department shall require all insurers holding a certificate of authority to transact property insurance on a direct basis in this state, other than joint underwriting associations and other entities formed pursuant to this section, to provide windstorm coverage to applicants from areas determined to be eligible pursuant to paragraph (c) who in good faith are entitled to, but are unable to procure, such coverage through ordinary means; or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage, which may include formation of an association for this purpose. As used in this subsection, the term "property insurance" means insurance on real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multiperil, homeowners' multiperil, commercial multiperil, and mobile homes, and including liability coverages on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1)(a) other than insurance on mobile homes used as permanent dwellings. The department shall adopt rules that provide a formula for the recovery and repayment of any deferred assessments.

1. For the purpose of this section, properties eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to s. 320.8325, and the contents of all such properties. An applicant or policyholder is eligible for coverage only if an offer of coverage cannot be obtained by or for the applicant or policyholder from an admitted insurer at approved rates.

2.a.(I) All insurers required to be members of such association shall participate in its writings, expenses, and losses. Surplus of the association shall be retained for the payment of claims and shall not be distributed to the member insurers. Such participation by member insurers shall be in the proportion that the net direct premiums of each member insurer written for property insurance in this state during the preceding calendar year bear to the aggregate net direct premiums for property insurance of all member insurers, as reduced by any credits for voluntary writings, in this state during the preceding calendar year. For the purposes of this subsection, the term "net direct premiums" means direct written premiums for property insurance, reduced by premium for liability coverage and for the following if included in allied lines: rain and hail on growing crops; livestock; association direct premiums booked; National Flood Insurance Program direct premiums; and similar deductions specifically authorized by the plan of operation and approved by the department. A member's participation shall begin on the first day of the calendar year following the year in which it is issued a certificate of authority to transact property insurance in the state and shall terminate 1 year after the end of the calendar year during which it no longer holds a certificate of authority to transact property insurance in the state. The commissioner, after review of annual statements, other reports, and any other statistics that the commissioner deems necessary, shall certify to the association the aggregate direct premiums written for property insurance in this state by all member insurers.

(II) The plan of operation shall provide for a board of directors consisting of the Insurance Consumer Advocate appointed under s. 627.0613, 1 consumer representative appointed by the Insurance Commissioner, 1 consumer representative appointed by the Governor, and 12 additional members appointed as specified in the plan of operation. One of the 12 additional members shall be elected by the domestic companies of this state on the basis of cumulative weighted voting based on the net direct premiums of domestic companies in this state. Nothing in the 1997 amendments to this paragraph terminates the existing board or the terms of any members of the board.

(III) The plan of operation shall provide a formula whereby a company voluntarily providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment of a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II).

(IV) A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group.

(V) There shall be no credits or relief from apportionment to a company for emergency assessments collected from its policyholders under sub-sub-subparagraph d.(III).

(VI) The plan of operation may also provide for the award of credits, for a period not to exceed 3 years, from a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II) as an incentive for taking policies out of the Residential Property and Casualty Joint Underwriting Association. In order to qualify for the exemption under this sub-sub-subparagraph, the take-out plan must provide that at least 40 percent of the policies removed from the Residential Property and Casualty Joint Underwriting Association cover risks located in Dade, Broward, and Palm Beach Counties or at least 30 percent of the policies so removed cover risks located in Dade, Broward, and Palm Beach Counties and an additional 50 percent of the policies so removed cover risks located in other coastal counties, and must also provide that no more than 15 percent of the policies so removed may exclude windstorm coverage. With the approval of the department, the association may waive these geographic criteria for a take-out plan that removes at least the lesser of 100,000 Residential Property and Casualty Joint Underwriting Association policies or 15 percent of the total number of Residential Property and Casualty Joint Underwriting Association poli-

cies, provided the governing board of the Residential Property and Casualty Joint Underwriting Association certifies that the take-out plan will materially reduce the Residential Property and Casualty Joint Underwriting Association's 100-year probable maximum loss from hurricanes. With the approval of the department, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association.

b. Assessments to pay deficits in the association under this subparagraph shall be included as an appropriate factor in the making of rates as provided in s. 627.3512.

c. The Legislature finds that the potential for unlimited deficit assessments under this subparagraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the association was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for paying regular assessments and collecting emergency assessments for any deficits of the association; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.

d.(I) When the deficit incurred in a particular calendar year is 10 percent or less of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the deficit.

(II) When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for member insurers. Any remaining deficit shall be recovered through emergency assessments under sub-sub-subparagraph (III).

(III) Upon a determination by the board of directors that a deficit exceeds the amount that will be recovered through regular assessments on member insurers, pursuant to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the board shall levy, after verification by the department, emergency assessments to be collected by member insurers and by underwriting associations created pursuant to this section which write property insurance, upon issuance or renewal of property insurance policies other than National Flood Insurance policies in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for property insurance for all member insurers and underwriting associations, excluding National Flood Insurance policy premiums, as annually determined by the board and verified by the department. The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, each member insurer and each underwriting association created pursuant to this section shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferral. The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for property insurance written by member insurers and underwriting associations for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit. The board may pledge the proceeds of the emergency assessments under this sub-sub-subparagraph as the source of revenue for bonds, to retire any other debt incurred as a result of the deficit or events giving rise to the deficit, or in any other way that the board determines will efficiently recover the deficit. The emergency assessments under this sub-sub-subparagraph shall continue as long as

any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the document governing such bonds or other indebtedness. Emergency assessments collected under this sub-sub-paragraph are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium.

(IV) Each member insurer's share of the total regular assessments under sub-sub-paragraph (I) or sub-sub-paragraph (II) shall be in the proportion that the insurer's net direct premium for property insurance in this state, for the year preceding the assessment bears to the aggregate statewide net direct premium for property insurance of all member insurers, as reduced by any credits for voluntary writings for that year.

(V) If regular deficit assessments are made under sub-sub-paragraph (I) or sub-sub-paragraph (II), or by the Residential Property and Casualty Joint Underwriting Association under sub-paragraph (6)(b)3.a. or sub-paragraph (6)(b)3.b., the association shall levy upon the association's policyholders, as part of its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for property insurance for member insurers for the prior calendar year. Market equalization surcharges under this sub-sub-paragraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

e. The governing body of any unit of local government, any residents of which are insured under the plan, may issue bonds as defined in s. 125.013 or s. 166.101 to fund an assistance program, in conjunction with the association, for the purpose of defraying deficits of the association. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the association, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government. Revenue bonds may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue bonds as will provide relief to claimants and policyholders of the association and insurers responsible for apportionment of plan losses. Any such unit of local government may enter into such contracts with the association and with any other entity created pursuant to this subsection as are necessary to carry out this paragraph. Any bonds issued under this sub-subparagraph shall be payable from and secured by moneys received by the association from assessments under this subparagraph, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer. The authority granted by this sub-subparagraph is additional to any bonding authority granted by sub-paragraph 6.

3. The plan shall also provide that any member with a surplus as to policyholders of \$25 \$20 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the department, within the first 90 days of each calendar year, to qualify as a limited apportionment company. The apportionment of such a member company in any calendar year for which it is qualified shall not exceed its gross participation, which shall not be affected by the

formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses pursuant to sub-sub-paragraph 2.d.(I) or sub-sub-paragraph 2.d.(II) in the aggregate which exceeds \$50 million after payment of available plan funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-sub-paragraph 2.d.(III). The plan shall provide that, if the department determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the department may direct that all or part of such assessment be deferred. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-sub-paragraph 2.d.(III).

4. The plan shall provide for the deferment, in whole or in part, of a regular assessment of a member insurer under sub-sub-paragraph 2.d.(I) or sub-sub-paragraph 2.d.(II), but not for an emergency assessment collected from policyholders under sub-sub-paragraph 2.d.(III), if, in the opinion of the commissioner, payment of such regular assessment would endanger or impair the solvency of the member insurer. In the event a regular assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in sub-sub-paragraph 2.d.(I) or sub-sub-paragraph 2.d.(II).

5.a. The plan of operation may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses.

b. The association may require arbitration of a rate filing under s. 627.062(6). It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive with approved rates charged in the admitted voluntary market such that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. The plan of operation shall provide a mechanism to assure that, beginning no later than January 1, 1999, the rates charged by the association for each line of business are reflective of approved rates in the voluntary market for hurricane coverage for each line of business in the various areas eligible for association coverage.

c. The association shall provide for windstorm coverage on residential properties in limits up to \$10 million for commercial lines residential risks and up to \$1 million for personal lines residential risks. If coverage with the association is sought for a residential risk valued in excess of these limits, coverage shall be available to the risk up to the replacement cost or actual cash value of the property, at the option of the insured, if coverage for the risk cannot be located in the authorized market. The association must accept a commercial lines residential risk with limits above \$10 million or a personal lines residential risk with limits above \$1 million if coverage is not available in the authorized market. The association may write coverage above the limits specified in this subparagraph with or without facultative or other reinsurance coverage, as the association determines appropriate.

d. The plan of operation must provide objective criteria and procedures, approved by the department, to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

(I) Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

(II) Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the association pursuant to such criteria and procedures must be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

e. The policies issued by the association must provide that if the association obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the department, a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. Upon termination of eligibility, the association shall provide written notice to the

policyholder and agent of record stating that the association policy must be canceled as of 60 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this sub-subparagraph.

f. Association policies and applications must include a notice that the association policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the association. The notice shall also specify that acceptance of association coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

6.a. The plan of operation may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association, a partnership, a trust, a limited liability company, or a nonprofit mutual company which may be empowered, among other things, to borrow money by issuing bonds or by incurring other indebtedness and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. The plan may authorize all actions necessary to facilitate the issuance of bonds, including the pledging of assessments or other revenues.

b. Any entity created under this subsection, or any entity formed for the purposes of this subsection, may sue and be sued, may borrow money; issue bonds, notes, or debt instruments; pledge or sell assessments, market equalization surcharges and other surcharges, rights, premiums, contractual rights, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, and other assets as security for such bonds, notes, or debt instruments; enter into any contracts or agreements necessary or proper to accomplish such borrowings; and take other actions necessary to carry out the purposes of this subsection. The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the association subject to approval by the department that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection. Any such entity may accumulate reserves and retain surpluses as of the end of any association year to provide for the payment of losses incurred by the association during that year or any future year. The association shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of chapter 76-96, Laws of Florida, to the extent that it is not inconsistent with chapter 76-96, and as subsequently modified consistent with chapter 76-96. The board of directors and officers currently serving shall continue to serve until their successors are duly qualified as provided under the plan. The assets and obligations of the plan in effect immediately prior to the effective date of chapter 76-96 shall be construed to be the assets and obligations of the successor plan created herein.

c. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness issued or incurred by the association or any other entity created under this subsection.

7. On such coverage, an agent's remuneration shall be that amount of money payable to the agent by the terms of his or her contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of the standard premium of that company.

8. Subject to approval by the department, the association may establish different eligibility requirements and operational procedures for any line or type of coverage for any specified eligible area or portion of an eligible area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the association. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

9. Notwithstanding any other provision of law:

a. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the association under the laws of this state or any other applicable laws.

b. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, market equalization or other surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or any other rights, revenues, or other assets of the association pledged.

c. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, emergency assessments, market equalization or renewal surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of or after any such proceeding shall continue unaffected by such proceeding.

d. As used in this subsection, the term "financing documents" means any agreement, instrument, or other document now existing or hereafter created evidencing any bonds or other indebtedness of the association or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the association are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation of the association related to such bonds or indebtedness.

e. Any such pledge or sale of assessments, revenues, contract rights or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, contract, or other rights or assets, whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the association or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, contract, or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

f. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to actions for breach of any contract or agreement pertaining to insurance, or any willful tort.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 627.351, F.S.; increasing the qualifying statutory surplus amount for the Florida Windstorm Underwriting Association Limited Apportionment Status;

Pursuant to Rule 4.19, **CS for SB 2060** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR GELLER PRESIDING

Consideration of **SB 1636** was deferred.

On motion by Senator Sullivan—

CS for SB 1704—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising the definition of “other instructional staff” to include adjunct educators; amending s. 230.23, F.S.; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; requiring a review by the principal prior to reassigning a teacher; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board, subject to applicable collective bargaining requirements, to recognize and accept years of satisfactory performance for purposes of pay and retirement; providing an exemption; amending s. 231.625, F.S.; requiring the Department of Education to perform specified activities to improve teacher recruitment and retention; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending ss. 230.2305, 231.045, 231.1725, 231.471, 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (984038)(with title amendment)—On page 7, delete line 17 and insert:

certificate, or an athletic coaching certificate. The athletic coaching certificate may be used for either part-time or full-time positions. The provisions of this subsection do not apply to

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: authorizing an athletic coaching certificate for full-time and part-time positions;

SENATOR BROWN-WAITE PRESIDING

Senator Lawson moved the following amendment which was adopted:

Amendment 2 (404758)—On page 8, line 27, after the period (.) insert: *If an individual has completed the requirements in paragraph (2)(g), except the demonstration of general knowledge of mathematics, that person may continue employment as a teacher for the 3 years during which the temporary certificate is valid, if the teacher does not teach mathematics above the 4th-grade level and the teacher is enrolled in a state-approved program designed to improve mathematics skills. If the teacher has not completed the mathematics requirement after 3 school years, the school district may not continue to employ him or her in a position for which a temporary certificate is required.*

Senator Sullivan moved the following amendments which were adopted:

Amendment 3 (933334)—On page 10, line 25, after the period (.) insert: *An applicant shall be considered to have expertise in the subject area to be taught if the applicant has at least a minor in the subject area or demonstrates sufficient subject area mastery, as determined by school board policy.*

Amendment 4 (251758)(with title amendment)—On page 12, lines 4-14, delete those lines and insert:

(g) Beginning July 1, 2001, for each employee who enters into a written contract, pursuant to this section, in a school district in which the employee was not employed as of June 30, 2001, for purposes of pay, a school board must recognize and accept each year of full-time teaching

service for which the employee received a satisfactory performance evaluation. This provision is not intended to interfere with the operation of a collective bargaining agreement except to the extent it requires the agreement to treat years of teaching experience out of the district the same as years of teaching experience within the district. Instructional personnel employed pursuant to s. 121.091(9)(b)3. are exempt from this paragraph.

And the title is amended as follows:

On page 1, lines 28 and 29, delete those lines and insert: recognize and accept years of satisfactory performance for purposes of pay;

Senator Clary moved the following amendment:

Amendment 5 (860540)(with title amendment)—On page 13, between lines 24 and 25, insert:

Section 9. Subsections (5) and (6) of section 231.6135, Florida Statutes, are amended to read:

231.6135 Statewide system for inservice professional development.—The intent of this section is to establish a statewide system of professional development that provides a wide range of targeted inservice training to teachers, managers, and administrative personnel designed to upgrade skills and knowledge needed to reach world class standards in education. The system shall consist of a network of professional development academies in each region of the state that are operated in partnership with area business partners to develop and deliver high-quality training programs purchased by school districts. The academies shall be established to meet the human resource development needs of professional educators, schools, and school districts. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must:

(5) Be operated under contract with its public partners and governed by an independent board of directors, which should include at least one superintendent of schools and one district school board chair from the participating school districts, the president of the collective bargaining unit that represents the majority of the region’s teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts. *Regional educational consortia as defined in s. 228.0857 satisfy the requirements of this subsection.*

(6) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions. *Regional educational consortia as defined in s. 228.0857 are exempt from the funding match required by this subsection.*

And the title is amended as follows:

On page 2, line 2, after “retention,” insert: amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies;

Senator Clary moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A (232056)—On page 2, line 20, following “228.0857” insert: *which serve rural areas of critical economic concern*

Amendment 5 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1704** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

SB 1636—A bill to be entitled An act relating to postsecondary education; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; providing an effective date.

—was read the second time by title.

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

Amendment 1 (392566)—On page 2, line 24 and on page 3, line 12, before the comma (,) insert: *for the specific degree program or programs*

Amendment 2 (104760)—On page 2, line 26 and on page 3, line 14, after the period (.) insert: *Any additional baccalaureate degree programs the college wishes to offer must be approved by the State Board of Education.*

Amendment 3 (115974)—On page 3, between lines 14 and 15, insert:

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

(Redesignate subsequent section.)

Senator Pruitt moved the following amendments which were adopted:

Amendment 4 (521272)—On page 1, lines 28 and 29, delete “*and branch campuses of our state universities*”

THE PRESIDENT PRESIDING

Amendment 5 (223254)—On page 3, line 15 through page 4, line 8, delete those lines.

Pursuant to Rule 4.19, **SB 1636** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for CS for SB's 1970 and 164—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the Office of the Commissioner of Insurance; providing for the Office of the Commissioner of Financial Institutions; providing for the Office of the Commissioner of Securities and Finance; providing for the Office of the Commissioner of the Treasury; establishing the manner of appointment; providing qualifications; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; requesting the Division of Statutory Revision to prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; authorizing representatives of the division to enter and inspect any place of firefighter employment; providing criminal penalties for refusal to allow inspection; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in firefighter places of employment and establish standards for construction, repair, and maintenance, and related rules; requiring the division to inspect firefighter employers; requiring firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of this act; providing exemptions; providing for the source of funding of the division; specifying firefighter employees' rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (793522)—On page 22, line 5, after “*part 1910*” insert: *, except 29 C.F.R. section 1910.134(g)(4)*

Pursuant to Rule 4.19, **CS for CS for SB's 1970 and 164** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 1284—A bill to be entitled An act relating to child support enforcement; amending ss. 61.11, 61.13, 61.13015, 61.13016, 61.181, 61.1824, 409.2557, 409.25575, 409.2561, 409.2564, 409.2565, 409.25657, 409.25658, 409.2567, 409.2578, 409.2579, 409.2594, 409.2598, 414.095, 443.051, F.S.; deleting reference to child support and providing reference to support; amending ss. 69.041, 213.053, 231.097, 320.05, 328.42, 414.065, 455.203, 456.004, 559.79, 943.053, F.S.; including reference to the definition of support; amending s. 24.115, F.S.; including spousal support or alimony for the former spouse of an obligor if child support is being enforced by the Department of Revenue among a list of items that must be paid prior to the award of certain prizes; amending s. 61.046, F.S.; redefining the term “support order”; defining the term “support”; amending s. 61.1301, F.S.; prescribing the time within which an order of income deduction may be entered after an order establishing or modifying support; providing for the court to request that an income-deduction order reflect the payment cycle of the payor; amending s. 61.13016, F.S.; requiring that any costs and fees associated with delinquency be paid to prevent suspension of a driver's license; repealing s. 61.1307, F.S., relating to the collection of motor vehicle impact fee refunds for child support; amending s. 61.1354, F.S.; revising provisions with respect to the sharing of information between consumer reporting agencies and the Title IV-D agency; amending s. 61.14, F.S.; including reference to the State Disbursement Unit with respect to support payments; amending s. 61.14, F.S.; providing for retroactive increase or decrease in support, maintenance, or alimony; providing requirements for judges of compensation claims with respect to settlement of a lump-sum payment; specifying the delinquency amount for which notice to the obligor is required; amending s. 61.1825, F.S.; revising provisions with respect to the state case registry to include additional provisions requiring the placement of a family violence indicator in the record; amending s. 61.30, F.S.; redefining the term “gross income” with respect to child support guidelines; authorizing the court to adjust the minimum child support award based on consideration of the particular shared parental arrangement; specifying procedure for adjustment of any award of child support when the particular shared parental arrangement provides that each child spend a substantial amount of time with each parent; specifying circumstances under which failure of a noncustodial parent to exercise visitation may trigger modification of the child support award; providing for retroactive application of such modified support award; prescribing conditions under which income from secondary employment may be disregarded in modifying an existing award; amending s. 322.058, F.S.; including additional provisions requiring the suspension of a drivers' license for failure to comply with a subpoena, order to appear, order to show cause, or similar order with respect to a delinquent support obligation; amending s. 322.142, F.S.; including an additional reason that reproductions of records with respect to drivers' licenses may be sent from the Department of Highway Safety and Motor Vehicles; amending s. 328.42, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to allow the Department of Revenue to screen applicants for new or renewal vessel registrations to assure compliance with an obligation for support; amending s. 409.2554, F.S.; redefining the term “public assistance” and “support”; defining the terms “undistributable collection” and “unidentifiable collection”; amending s. 409.2558, F.S.; revising provisions with respect to support distribution and disbursement to include reference to undistributable collections and unidentifiable collections; providing rulemaking authority; providing for review prior to the formal rule-development process; providing for a report to the Legislature; amending s. 409.2561, F.S.; deleting reference to public assistance and including reference to temporary cash or Title IV-E assistance; creating s. 409.2563, F.S.; creating a pilot program for the administrative establishment of child-support obligations; providing definitions; providing legislative intent with respect to an alternative procedure for establishing child support obligations in certain cases; authorizing the Department of Children and Family Services to establish an administrative support order; providing procedures; providing notice requirements; providing for a hearing conducted by the Division

of Administrative Hearings; providing that a final order by an administrative law judge constitutes final agency action; providing for collection and enforcement of an administrative support order; providing for judicial review and a prospective change in the support obligation; providing for disclosures and a presumption of receipt of certain notices, payments, and orders; authorizing the department to adopt rules; providing requirements for establishing the pilot program; providing for expiration of the pilot program; amending s. 409.2564, F.S.; revising provisions with respect to actions for support; amending s. 409.25645, F.S.; revising provisions with respect to administrative orders for genetic testing; amending s. 409.25656, F.S.; revising provisions with respect to garnishment; amending s. 409.2572, F.S.; including reference to public assistance with respect to certain acts of noncooperation; amending s. 409.2578, F.S.; revising provisions with respect to access to employment information for enforcing support obligations; repealing s. 409.2591, F.S.; relating to unidentifiable moneys held in a special account; amending s. 414.32, F.S.; revising provisions with respect to certain food stamp programs; amending s. 440.20, F.S.; revising provisions with respect to lump-sum payments under workers compensation; amending s. 440.22, F.S.; providing that exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony; amending s. 742.12, F.S.; revising provisions with respect to scientific testing to determine paternity; providing effective dates.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (664508)—On page 32, line 26, after “as well as” insert: *the custodial parent's low income and ability to maintain the basic necessities of the home for the child.*

Amendment 2 (245092)(with title amendment)—On page 34, between lines 28 and 29, insert:

Section 18. Paragraph (c), is added to subsection (14) of section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(14) DEPARTMENT OF REVENUE.—

(c) Proceedings for administrative child support orders.—Notwithstanding the provisions of s. 120.569 or s. 120.57 to the contrary, in proceedings for the establishment of administrative support orders pursuant to s. 409.2563, final orders in cases referred by the Department of Revenue to the Division of Administrative Hearings shall be entered by the division's administrative law judge and transmitted to the Department of Revenue for filing and indexing. The Department of Revenue has the right to seek judicial review of a final order entered by an administrative law judge. Administrative support orders rendered pursuant to s. 409.2563 may be enforced pursuant to s. 120.69 or, alternatively, by any method prescribed by law for the enforcement of judicial support orders, except contempt.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 4, after the first semicolon (;) insert: amending s. 120.80, F.S.; providing for proceedings for administrative child support orders under the Department of Revenue;

Amendment 3 (721014)(with title amendment)—On page 39, line 14, delete “child” and insert: *child*

And the title is amended as follows:

On page 1, line 4, after “61.1824,” insert: 328.42,

Amendment 4 (463278)—On page 61, line 2 through page 65, line 15, delete those lines and insert:

(10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.—

(a) A noncustodial parent has the right to seek judicial review of an administrative support order or a final order denying an administrative support order in accordance with s. 120.68. The department has the right to seek judicial review, in accordance with s. 120.68, of an administrative

support order or a final order denying an administrative support order entered by an administrative law judge of the Division of Administrative Hearings.

(b) An administrative support order rendered under this section may be enforced by any circuit court in the same manner as a support order issued by the court, except for contempt. If the circuit court issues its own order based on the administrative support order, the circuit court may enforce its own order by contempt. Enforcement by the court, without any change by the court in the support obligations established in the administrative support order, does not supersede the administrative support order or affect the department's authority to modify the administrative support order as provided by subsection (12).

(c) A circuit court of this state, where venue is proper and the court has jurisdiction of the parties, may enter an order prospectively changing the support obligations established in an administrative support order, in which case the administrative support order is superseded and the court's order shall govern future proceedings in the case. Any unpaid support owed under the superseded administrative support order may not be retroactively modified by the circuit court, except as provided by s. 61.14(1)(a), and remains enforceable by the department, by the obligee, or by the court. In all cases in which an administrative support order is superseded, the court shall determine the amount of any unpaid support owed under the administrative support order and shall include the amount as arrearage in its superseding order.

(11) EFFECTIVENESS OF ADMINISTRATIVE SUPPORT ORDER.—*An administrative support order rendered under this section remains in effect until modified by the department, vacated on appeal, or superseded by a subsequent court order. If the department closes a Title IV-D case in which an administrative support order has been rendered:*

(a) The department shall take no further action to enforce or modify the administrative support order;

(b) The administrative support order remains effective until superseded by a subsequent court order; and

(c) The administrative support order may be enforced by the obligee by any means provided by law.

(12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.—*If it has not been superseded by a subsequent court order, the department may modify an administrative support order in a Title IV-D case prospectively, subject to the requirements for modifications of judicial support orders established in chapters 61 and 409, by following the same procedures set forth in this section for establishing an administrative support order, as applicable.*

(13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO ADDRESS OF RECORD.—*In all proceedings pursuant to this section:*

(a) The noncustodial parent and custodial parent must execute and furnish to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, a financial affidavit in the form prescribed in the Florida Family Law Rules of Procedure. An updated financial affidavit must be executed and furnished to the department at the inception of each proceeding to modify an administrative support order. Caretaker relatives are not required to furnish financial affidavits.

(b) The noncustodial parent, custodial parent, and caretaker relative if applicable, shall disclose to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, and update as appropriate, information regarding their identity and location, including names they are known by; social security numbers; residential and mailing addresses; telephone numbers; driver's license numbers; and names, addresses, and telephone numbers of employers. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each person must provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(c) The noncustodial parent, custodial parent, and caretaker relative, if applicable, have a continuing obligation to promptly inform the depart-

ment in writing of any change in their mailing addresses to ensure receipt of all subsequent pleadings, notices, payments, statements, and orders, and receipt is presumed if sent by regular mail to the most recent address furnished by the person.

(14) **JUDICIAL PLEADINGS AND MOTIONS.**—A party to any subsequent judicial proceeding concerning the support of the same child or children shall affirmatively plead the existence of, and furnish the court with a correct copy of, an administrative support order rendered under this section, and shall provide the department with a copy of the initial pleading. The department may intervene as a matter of right in any such judicial proceeding involving issues within the scope of the Title IV-D case.

(15) **PROVISIONS SUPPLEMENTAL TO EXISTING LAW.**—This section does not limit or negate the department's authority to seek establishment of child support obligations under any other applicable law.

(16) **RULEMAKING AUTHORITY.**—The department may adopt rules to administer this section.

(17) **PILOT PROGRAM.**—For the purpose of identifying measurable outcomes, the pilot program shall be located in a county selected by the Department of Revenue having a population of fewer than 500,000, in which the Title IV-D caseload did not exceed 20,000 cases, and the obligation rate was approximately 65 percent at the end of the 1999-2000 fiscal year. The Department of Revenue shall develop measurable outcomes that at a minimum consist of the department's support order establishment performance measures that are applicable to this pilot program, a measure of the effectiveness of the pilot program in establishing support orders as compared to the judicial process, and a measure of the cost-efficiency of the pilot program as compared to the judicial process. The Department of Revenue and the Division of Administrative Hearings shall implement the pilot program established by this section on July 1, 2001, or as soon thereafter as practicable. The department shall use the procedures of this section to establish support obligations in Title IV-D cases on behalf of custodial parents or caretaker relatives residing in the county selected for the pilot program. By June 30, 2002, the Department of Revenue shall submit a report on the implementation of the pilot program to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives. The Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the operation and impact of the pilot program. In evaluating the pilot program, achievement of the measurable outcomes must be considered. The Office of Program Policy Analysis and Government Accountability shall submit an evaluation report on the pilot program by June 30, 2003 which must include the findings of the evaluation, the feasibility of a statewide program, and recommendations, if any, for establishing a statewide program. The pilot program expires June 30, 2004 unless continued by action of the Legislature.

Amendment 5 (755966)(with title amendment)—On page 85, between lines 16 and 17, insert:

Section 55. *The Office of Program Policy Analysis and Government Accountability, in consultation with the substantive legislative committee, through its staff or by contract with a vendor, is directed to study and analyze case data and court proceedings, chosen through a statistically valid random sample of child support enforcement cases in both Title IV-D and non-Title IV-D cases, on the application of and deviations from the child support guidelines set forth in section 61.30, Florida Statutes. The office shall report its findings to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court no later than January 31, 2002.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 20, after the semicolon (;) insert: providing for a case analysis;

Pursuant to Rule 4.19, **CS for SB 1284** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

CS for SB 772—A bill to be entitled An act relating to public records; providing an exemption from the public-records requirements for information in the possession of a non-Title IV-D county child-support-enforcement agency which reveals the identity of applicants for and recipients of child-support services; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (452726)(with title amendment)—On page 2, line 22 through page 3, line 31, delete those lines and insert: *Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that it is a public necessity that all identifying information concerning applicants for and recipients of child support services which is in the possession of any non-Title IV-D county child support enforcement agency be held confidential and exempt. The Legislature recognizes that all persons served by a non-Title IV-D county child support enforcement agency are eligible to receive services from the Department of Revenue, the state's Title IV-D agency. The Legislature further recognizes that information concerning applicants for and recipients of child support services who are served by a non-Title IV-D county child support enforcement agency would otherwise be confidential and exempt from disclosure pursuant to section 409.2579, Florida Statutes, if served by the Department of Revenue. Therefore, because provision of child support services by a non-Title IV-D county child support enforcement agency provides a useful and appropriate alternative to the child support services provided by the state, the Legislature finds that persons served by a non-Title IV-D county child support enforcement agency should be entitled to disclosure protections similar to those afforded to persons receiving child support services from the state. Additionally, the Legislature finds that many of the child support enforcement cases handled by a non-Title IV-D county child support enforcement agency are also domestic violence cases. In such cases, agency clients have been subjected to domestic violence or abuse and fear for their lives and those of their minor children. The Legislature further finds that federal and state law currently prohibit the disclosure of information concerning clients served by the Title IV-D cases when a protective order has been issued or the Title IV-D agency has reason to believe that disclosure of information may result in physical or emotional harm to the client or child, and the Legislature wishes to extend similar protections to the clients of non-Title IV-D county child support enforcement agencies. Therefore, the Legislature determines that any benefit that could occur from public disclosure of the information concerning applicants for or recipients of child support services from non-Title IV-D county child support enforcement*

And the title is amended as follows:

On page 1, line 7, following the semicolon (;) insert: providing exceptions;

Pursuant to Rule 4.19, **CS for SB 772** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 444—A bill to be entitled An act relating to offenses against children; amending s. 787.025, F.S.; revising provisions to prohibit certain previously convicted offenders from intentionally luring or enticing, or attempting to lure or entice, a child under age 15 into a structure, dwelling, or conveyance without consent of parent or legal guardian; providing penalties; amending s. 800.04, F.S.; defining the term "presence" for purposes of lewd or lascivious offenses committed in the presence of certain minors; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (915200)(with title amendment)—On page 1, delete line 26 and insert: *child's parent or legal guardian, or who intentionally lures or entices, or attempts to lure or entice, a child under the age of 15 away from the child's parent or legal guardian without the consent of the child's parent or legal guardian, for other than a lawful*

And the title is amended as follows:

On page 1, delete line 9 and insert: *legal guardian, or from intentionally luring or enticing, or attempting to lure or entice the child away from the child's parent or legal guardian; providing penalties; amending*

Pursuant to Rule 4.19, **CS for SB 444** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB 718—A bill to be entitled An act relating to drug-free workplaces; amending s. 440.102, F.S.; requiring certain contractors to implement a drug-free workplace program under certain circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1 (250192)(with title amendment)—On page 1, lines 10-15, delete those lines and insert:

Section 1. Subsection (2) of section 440.102, Florida Statutes, is amended, and subsection (15) is added to said section, to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(2) DRUG TESTING.—An employer may test an employee or job applicant for any drug described in paragraph (1)(c). In order to qualify as having established a drug-free workplace program *under this section and have which affords an employer the ability to qualify for the discounts provided under s. 627.0915 and deny medical and indemnity benefits, under this chapter, all drug testing, which conforms to conducted by employers shall be in conformity with the standards and procedures established in this section and all applicable rules adopted pursuant to this section, must be conducted by the employer.* However, an employer does not have a legal duty under this section to request an employee or job applicant to undergo drug testing. If an employer fails to maintain a drug-free workplace program in accordance with the standards and procedures established in this section and in applicable rules, the employer shall not be eligible for discounts under s. 627.0915. All employers qualifying for and receiving discounts provided under s. 627.0915 must be reported annually by the insurer to the division.

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: *clarifying that employees must conduct drug testing in conformity with the section to qualify as having a drug-free workplace program;*

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

Amendment 1A (462956) (with title amendment)—On page 2, lines 3 and 4, delete "*by the employer*" and insert: *as required in subsection (4)*

And the title is amended as follows:

On page 2, lines 20 and 21, delete those lines and insert: *clarifying that drug testing must be conducted in conformity with the section to*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 718** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

—was read the second time by title.

Senator Garcia moved the following amendment:

Amendment 1 (022794)(with title amendment)—On page 1, line 12 through page 2, line 6, delete those lines and insert:

Section 1. Paragraph (a) of subsection (3) and subsections (6) and (10) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, *at least one member who is a current or former recipient of state financial assistance*, and five representatives of organized labor who shall be appointed by the Governor. Notwithstanding s. 114.05(1)(f), the Governor may appoint remaining members to Workforce Florida, Inc., from the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board. By July 1, 2000, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board.

(6) Workforce Florida, Inc., may take action that it deems necessary to achieve the purposes of this section, including, but not limited to:

(a) Creating a state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.

(b) Establishing policy direction for a funding system that provides incentives to improve the outcomes of vocational education programs, and of registered apprenticeship and work-based learning programs, and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.

(c) Establishing a comprehensive policy related to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(d) Designating Institutes of Applied Technology composed of public and private postsecondary institutions working together with business and industry to ensure that technical and vocational education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry.

(e) Providing policy direction for a system to project and evaluate labor market supply and demand using the results of the Workforce Estimating Conference created in s. 216.136 and the career education performance standards identified under s. 239.233.

(f) Reviewing the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs.

(g) Expanding the occupations identified by the Workforce Estimating Conference to meet needs created by local emergencies or plant closings or to capture occupations within emerging industries.

(h) Expanding the utilization of faith-based and community-based organizations to work collaboratively in the delivery of services to Florida's residents.

(10) The workforce development strategy for the state shall be designed by Workforce Florida, Inc., and shall be centered around the strategies of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. *A minimum of 15 percent of all Workforce Investment Act youth services funds shall be expended for after-school care programs, through contracts with qualified faith-based and community-based organizations, on an equal basis with other private organizations, to provide after-school care programs to eligible children 14 through 18 years of age. Such programs shall include academic tutoring, mentoring, and other appropriate services. Similar services may be provided for eligible children 6 through 13 years of age using Temporary Assistance for Needy Families funds.*

(b) Better Jobs/Better Wages is the state's strategy for assisting employers in upgrading or updating the skills of their employees and for assisting incumbent workers in improving their performance in their current jobs or acquiring the education or training needed to secure a better job with better wages.

(c) High Skills/High Wages is the state's strategy for aligning education and training programs with high-paying, high-demand occupations that advance individuals' careers, build a more skilled workforce, and enhance Florida's efforts to attract and expand job-creating businesses.

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: expanding the utilization of faith-based and community-based organizations; requiring certain funds to be expended for after-school care programs;

On motion by Senator Garcia, further consideration of **CS for SB 1226** with pending **Amendment 1** was deferred.

Consideration of **CS for SB 1468** was deferred.

On motion by Senator Brown-Waite, consideration of **SB 344** was deferred.

On motion by Senator Constantine—

SB 1522—A bill to be entitled An act relating to enterprise zones; authorizing a boundary change in a specified enterprise zone; providing an effective date.

—was read the second time by title.

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

Amendment 1 (202956)(with title amendment)—On page 1, between lines 19 and 20, insert:

Section 2. Section 290.00694, Florida Statutes, is created to read:

290.00694 Enterprise zone designation for Sarasota County or Sarasota County and Sarasota.—Sarasota County, or Sarasota County and the City of Sarasota jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the municipality, which zone encompasses an area that is south of the north county line, west of Tuttle Avenue, north of 10th Street, and east of U.S. Highway 41. The application must be submitted by December 31, 2001, and must comply with the

requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 3. Section 290.00555, Florida Statutes, is amended to read:

290.00555 Satellite enterprise zones.—Before December 31, 1999, Any municipality an area of which has previously received designation as an enterprise zone in the population category described in s. 290.0065(3)(a)3. may create a satellite enterprise zone not exceeding 1.5 square miles in area outside of and, notwithstanding anything contained in s. 290.0055(4), or any other law, in addition to the previously designated enterprise zone boundaries. The Office of Tourism, Trade, and Economic Development shall amend the boundaries of the areas previously designated by any such municipality as enterprise zones upon receipt of a resolution adopted by the municipality describing the satellite enterprise zone areas, as long as the additional areas are consistent with the categories, criteria, and limitations imposed by s. 290.0055. However, the requirements imposed by s. 290.0055(4)(d) do not apply to such satellite enterprise zone areas.

Section 4. Satellite enterprise zones may be created pursuant to section 290.00555, Florida Statutes, effective retroactively to December 31, 1999. Resolutions adopted to create satellite enterprise zones under this section must be submitted to the Office of Tourism, Trade, and Economic Development no later than August 1, 2001. The Office of Tourism, Trade, and Economic Development must amend the boundaries of previously designated enterprise zones to create eligible satellite enterprise zones no later than September 1, 2001. Notwithstanding the time limitations contained in chapter 212, Florida Statutes, a business in a satellite enterprise zone designated under this section which was eligible to receive tax incentives pursuant to sections 212.08(5)(g) and (h) and 212.096, Florida Statutes, during the period beginning December 31, 1999, and ending on the date of the creation of the satellite enterprise zone must submit an application for the tax incentives by December 1, 2001. All other requirements of the enterprise zone program apply to such a business.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, following the semicolon (;) insert: creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives;

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Smith and adopted:

Amendment 2 (023216)(with title amendment)—On page 1, between lines 19 and 20, insert:

Section 2. Subsection (12) is added to section 290.0065, Florida Statutes, to read:

290.0065 State designation of enterprise zones.—

(12) Before June 1, 2002, the governing body of a municipality that is located within a county having a population of less than 225,000 and in which an enterprise zone designated under subparagraph (3)(a)2. is located may apply to the Office of Tourism, Trade, and Economic Development to change the boundaries of the enterprise zone. The Office of Tourism, Trade, and Economic Development shall approve the application if the boundary change does not increase the overall size of the enterprise zone and if any territory added to the enterprise zone as a result of the boundary change is contiguous to the remaining area of the existing enterprise zone.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: amending s. 290.0065, F.S.; providing for the change in the boundaries of an enterprise zone under specified conditions;

RECONSIDERATION OF AMENDMENT

On motion by Senator Constantine, the Senate reconsidered the vote by which **Amendment 2** was adopted. **Amendment 2** was adopted.

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

Amendment 3 (882752)(with title amendment)—On page 1, between lines 19 and 20, insert:

Section 2. Section 290.00695, Florida Statutes, is created to read:

290.00695 Enterprise zone designation for Hernando County or Hernando County and Brooksville.—Hernando County, or Hernando County and the City of Brooksville jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the city, which zone encompasses an area up to 10 contiguous square miles. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Hernando County; providing requirements with respect thereto;

Senator Crist moved the following amendment which was adopted:

Amendment 4 (645256)(with title amendment)—On page 1, between lines 19 and 20, insert:

Section 2. Enterprise zone designation for Hillsborough County.—Hillsborough County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, which zone encompasses a high-crime, low-income, high-unemployment area that is north of Fowler Avenue, south of Bearss Avenue, east of Florida Avenue, west of Bruce B. Downs Boulevard, near the University of South Florida, adjacent to University Square Mall, north of a major theme park, an area that has been designated a federal Weed & Seed target area, and a Community Development Block Grant (CDBG) target area and that houses an active public/private 501(c)(3) community development corporation working to improve the area. The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: providing for designation of a specified area within Hillsborough County as an enterprise zone;

Pursuant to Rule 4.19, **SB 1522** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 210—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 210** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

SB 1400—A bill to be entitled An act relating to swimming pool/spa servicing contractors; amending s. 489.111, F.S.; providing eligibility requirements to take the licensure examination for the swimming pool/spa servicing contractor's license; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Posey and adopted:

Amendment 1 (525058)—On page 4, line 5, after "Board" insert: *by rule and has at least 1 year of proven experience related to the scope of work of such a contractor*

Pursuant to Rule 4.19, **SB 1400** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Saunders, by two-thirds vote **SB 174**, **SB 326** and **SB 656** were withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **CS for SB 492**, **CS for SB's 1080 and 950**, **SB 1194** and **CS for SB 2118** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **SJR 1700** was withdrawn from the Committee on Governmental Oversight and Productivity; and **CS for SB 1514** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Committee on Criminal Justice was granted permission to add **SB 714** to the agenda at the meeting on April 24.

MOTIONS

On motion by Senator Lee, a deadline of 5:00 p.m., Tuesday, April 24, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 25.

REPORTS OF COMMITTEES

The Committee on Ethics and Elections recommends the following pass: CS for CS for HB 273

The Committee on Regulated Industries recommends the following pass: CS for SB 2014

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

The Committee on Ethics and Elections recommends the following pass: SB 2194 with 1 amendment

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

The Committee on Ethics and Elections recommends the following pass: CS for HB 275

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

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 1656

The Committee on Finance and Taxation recommends committee substitutes for the following: CS for SB's 310 and 380, CS for SB 460, CS for SB 1204

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 Children and Families recommends a committee substitute for the following: SB 1680

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

The Committee on Finance and Taxation recommends committee substitutes for the following: CS for SB 668, SB 1366, SB 1580

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Education recommends the following pass: CS for SB 1640

The bill contained in the foregoing report was referred to the Committee on Appropriations under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Finance and Taxation; Comprehensive Planning, Local and Military Affairs; and Senators Constantine and Carlton—

CS for CS for SB's 310 and 380—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a non-voting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; requiring intergovernmental coordination between local governments and district school boards; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing a

schedule for adoption; providing for certain municipalities to be exempt; requiring certain interlocal agreements; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the element; prohibiting a local government that fails to adopt the required element from amending its local comprehensive plan; creating s. 163.31777, F.S.; requiring school boards to report to the local government on school capacity; requiring a local government to deny a plan amendment or a request for rezoning if school capacity is unavailable; authorizing certain mitigation agreements; providing prerequisites to this section's taking effect; amending s. 163.3180, F.S.; revising provisions relating to concurrency; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; creating s. 163.3198, F.S.; requiring the state land planning agency to develop a uniform fiscal-impact-analysis model for evaluating the cost of infrastructure to support development; providing for appointment of a technical advisory committee to advise the agency; requiring a report to the Governor and the Legislature; providing an appropriation; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax and school capital outlay surtax by a super-majority vote; authorizing certain municipalities to impose an infrastructure surtax; providing for referendum; amending s. 218.25, F.S.; prescribing limitations on the use of specified funds; amending s. 235.002, F.S.; revising legislative intent with respect to building educational facilities; amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt education facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions to changes made by the act; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plan; providing requirements for the work program; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plan; amending s. 235.188, F.S.; providing bonding requirements; amending s. 235.19, F.S.; exempting certain school boards and local governments from requirements for site planning; revising requirements for school boards; amending s. 235.193, F.S.; requiring interlocal agreements with respect to public educational facilities elements and plans; providing that failure to enter into such agreements will result in the withholding of certain funds for school construction; providing requirements for preparing a district education facilities work plan; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.231, F.S.; providing for the school board to authorize certain change orders for its district education facilities plan; amending s. 236.25, F.S., relating to the district school tax; conforming provisions to changes made by the act; creating s. 236.255, F.S.; creating the School District Guaranty Program; allowing district school boards to request the financial backing of the state or county in the issuance of certificates of participation; providing that such financial backing by the state or county is optional and contingent on funds set aside for that purpose; amending s. 380.06, F.S.; revising provisions governing developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; requiring specified counties to adopt a service-delivery interlocal agreement with all municipalities and the school district and prescribing requirements for such agreements; providing an appropriation; providing a legislative finding that the act is a matter of great public importance; providing effective dates.

By the Committees on Finance and Taxation; Commerce and Economic Opportunities; and Senators Clary, Smith and Mitchell—

CS for CS for SB 460—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the commu-

nity contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms "eligible business" and "new employee"; defining the terms "jobs" and "new job has been created"; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term "eligible business"; defining the term "qualified area"; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms "new employee" and "project"; defining the terms "new job has been created" and "jobs"; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term "rural enterprise zone"; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms "elderly" and "housing for the elderly" under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; providing effective dates.

By the Committees on Finance and Taxation; Commerce and Economic Opportunities; and Senator Carlton—

CS for CS for SB 668—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; authorizing a boundary change in a specified enterprise zone; amending s. 290.0065, F.S.; providing for the change in the boundaries of an enterprise zone under specified conditions; providing an effective date.

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

CS for CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; creating s. 400.0223, F.S.; requiring a nursing home facility to permit electronic monitoring devices in a resident's room; specifying conditions under which monitoring may occur; providing that electronic monitoring tapes are admissible in civil or criminal actions; providing penalties; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s.

400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for the calculation of attorney's fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; creating s. 400.0247, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or impose a fine; authorizing placing fines in escrow; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s. 400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.417, F.S.; providing for a standard license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the

internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.4275, F.S.; specifying minimum amounts of liability insurance required to be carried by an assisted living facility; amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for the calculation of attorney's fees; creating s. 400.4303, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.435, F.S., relating to maintenance of records; conforming provisions to changes made by the act; amending s. 400.441, F.S.; clarifying facility inspection requirements; amending s. 400.442, F.S., relating to pharmacy and dietary services; conforming provisions to changes made by the act; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commis-

tioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment; requiring the department to review and approve rate filings of the association; providing appropriations; providing for severability; providing effective dates.

By the Committees on Finance and Taxation; Agriculture and Consumer Services; and Senator Bronson—

CS for CS for SB 1204—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 370.13, F.S.; renaming depredation endorsements as depredation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries Commission; amending s. 370.20, F.S.; providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; conforming the responsibilities for issuing artificial-reef permits with transfer of duties to the Department of Environmental Protection; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; encouraging the release and feeding of certain quail; providing an effective date.

By the Committees on Appropriations; Children and Families; and Senator Saunders—

CS for CS for SB 1346—A bill to be entitled An act relating to behavioral health care service; 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; 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 rule-making authority; providing an effective date.

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

CS for SB 1366—A bill to be entitled An act relating to tax exemption; amending s. 196.202, F.S.; defining the term "totally and permanently disabled person"; providing an effective date.

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

CS for SB 1580—A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring that the Comptroller receive representations from the tobacco industry which are used to calculate the annual payments; requiring the Comptroller to verify such representations; requiring that the Auditor General review the verification of representations from the tobacco industry; redesignat-

ing the Comptroller as the Chief Financial Officer to conform to a revision of the State Constitution; providing effective dates.

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

CS for SB 1656—A bill to be entitled An act relating to campaign finance; creating s. 106.115, F.S.; requiring persons to maintain records and to file disclosure of certain political expenditures in which a candidate is named or depicted; providing penalties; providing an effective date.

By the Committees on Appropriations; Commerce and Economic Opportunities; and Senators Lee, Miller, Sebesta and Crist—

CS for CS for SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

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

CS for SB 1680—A bill to be entitled An act relating to sexually violent offenders; amending s. 394.913, F.S.; requiring the agency with jurisdiction over a person convicted of a sexually violent offense to provide earlier notice of the offender's anticipated release; revising the time for preparing the assessment as to whether the offender is a sexually violent predator; amending s. 394.917, F.S.; requiring the Department of Children and Family Services to detain sexually violent predators in a secure facility segregated from other patients; providing an effective date.

By the Committees on Appropriations; Health, Aging and Long-Term Care; and Senator Sanderson—

CS for CS for SB 2092—A bill to be entitled An act relating to health care; 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; amending s. 381.0403, F.S.; transferring the community hospital education program from the Board of Regents to the Department of Health; prescribing membership of a committee reporting on graduate medical education; amending s. 409.908, F.S.; revising provisions relating to the reimbursement of Medicaid providers to conform to the transfer of the Community Hospital Education Program from the Board of Regents to the Department of Health; providing for the certification of local matching funds; providing requirements for the distribution of federal funds earned as a result of local matching funds; requiring an impact statement; providing rule-making authority to the Department of Health; amending s. 409.911, F.S.; redefining the term "charity care" or "uncompensated charity care" for purposes of the disproportionate share program; amending s. 409.9117, F.S.; revising eligibility criteria for payments under the primary care disproportionate share program; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

520, SB 1644, SB 2210; Dawson—CS for SB 1374; Jones—SB 1636, CS for SB 1704; Posey—SB 1616, SB 1636

The Journal of April 19 was corrected and approved.

CO-SPONSORS

Senators Cowin—CS for CS for CS for SB's 1526 and 314; Crist—SB

RECESS

On motion by Senator Lee, the Senate recessed at 12:02 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, April 25.