



# Journal of the Senate

Number 20—Regular Session

Thursday, April 26, 2001

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## CALL TO ORDER

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

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

Excused: Conferees periodically for the purpose of working on the appropriations bills: Senator Horne, Chairman; Senators Rossin, Sullivan, Dyer, Garcia, Holzendorf, Latvala, Miller, Webster, Clary, Jones, King, Laurent, Lawson, Silver, Mitchell, Peaden, Sanderson, Saunders, Cowin, Burt, Dawson, Meek and Villalobos

## PRAYER

The following prayer was offered by the Rev. Dr. Freeman Gallmon, Pastor, Mt. Moriah Baptist Church, Gainesville:

We pray, dear God, for our nation and our state. We pray for the breaking down of race and color and for educational development.

We also bring to you the needs of all those who suffer from disease, hunger, unemployment, loneliness, confusion, fear, sorrow, depression and guilt. Please, God, teach them to turn to you in faith so that they can receive the healing which each one needs.

Now, O God, use the gifts, talents and vision of these elected officials to make our state and our world a better place to live. Clear the hearts and minds of these thy people from any type of distractions that they may attend to the work at hand.

We thank you for this opportunity. In thy name we pray. Amen.

## PLEDGE

Senate Pages Lawanna Curry of Quincy, Jessica Nicolai of Spring Hill and Maxwell "Max" Scott of Fort Walton Beach, 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. Steven Rosenberg of West Palm Beach, sponsored by Senator Posey, as doctor of the day. Dr. Rosenberg specializes in Dermatology.

## ADOPTION OF RESOLUTIONS

At the request of Senator Crist—

By Senator Crist—

**SR 2282**—A resolution recognizing "Wake-Up Wednesday" and encouraging people to participate in our democracy.

WHEREAS, the 18-24 year-old age group traditionally votes in lower percentages than any other age group, and

WHEREAS, there are over 200,000 students in the Florida State University System, a large number of whom are in the 18-24 year-old age group, and

WHEREAS, pursuant to 20 United States Code 1094(a)(23)(A), institutions of higher education that participate in federal financial aid programs are required to request voter registration forms from their state and distribute them to all students enrolled on their campus before an upcoming federal election, and

WHEREAS, in the year 2000 the Student Government Associations at all ten state universities, along with event sponsors the Florida Student Association and the People for the American Way Foundation's iVote2.com assisted in meeting these requirements by organizing "Wake-Up Wednesday," a unified voter-registration day, on September 13, 2000, and

WHEREAS, the goal of "Wake-Up Wednesday" was to register and motivate thousands of young voters and encourage them to make a life-long commitment to civic participation and the electoral process, and

WHEREAS, on "Wake-Up Wednesday" an estimated 3,115 students became newly registered voters, NOW, THEREFORE,

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

That the Florida Senate recognizes Wednesday, September 19, 2001, as "Wake-Up Wednesday" in the state of Florida.

BE IT FURTHER RESOLVED that the Florida Senate encourages all persons of voting age to register to vote, educate themselves on the issues, and participate in our democracy.

—**SR 2282** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

**SR 2284**—A resolution recognizing the Miami Edison Senior High School Girls' Basketball Team for winning the State Class 6A Championship on March 3, 2001.

WHEREAS, Miami-Dade Public Schools have won only three of the previous 12 Final Four Championships since the girls' state championships began in 1976, and

WHEREAS, the Red Raiders Girls' Basketball Team of Miami Edison Senior High School in 2001 made their fourth Final Four appearance in the past 7 years, under the leadership of Coach Denise Novak, and

WHEREAS, the Red Raiders Girls' Basketball Team of Miami Edison Senior High School last won the state championship in 1995, and were defeated in the final round of the state championship only 1 year ago by the Bears of Winter Springs Senior High School, and

WHEREAS, in a rematch of last year's finals, the Red Raiders Girls' Basketball Team captured their second state championship in a thrilling 65 to 56 victory over the Bears of Winter Springs before 745 fans at the Lakeland Center, and

WHEREAS, the 2001 State Championship Miami Edison Red Raiders are comprised of nine super seniors, including Chanyekerson Ambrose, Rochelle Brown, Linda Christian, Gerline Guillame, Carline Ofelus, Michelle Philogene, Lucila Simon, Scholanda Dorrell, the team's leading scorer, and Florance Williams, the tournament's Most Valuable Player, and five talented underclass teammates, including Nicola Coley, Nadage Dareus, Kalondra McKenzie, Earnesha Houston, and Sylvia Fowles, the only woman in Florida's History to attempt a dunk in a State Championship game, NOW, THEREFORE,

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

That the Florida Senate commends the Red Raiders Girls' Basketball Team of Miami Edison Senior High School for their relentless pursuit of excellence in winning the State Class 6A Championship.

—**SR 2284** was introduced, read and adopted by publication.

On motion by Senator Silver—

By Senator Silver—

**SR 2314**—A resolution honoring the University of Miami Hurricane football team.

WHEREAS, the University of Miami is a premier educational institution, offering excellence in academic, as well as athletic, pursuits, and

WHEREAS, the University of Miami Hurricane football team boasts an impressive history as the first team in the State of Florida to win an NCAA Division I-A national championship and as the state team having the most NCAA Division I-A national championships, and

WHEREAS, the Hurricane football team defeated Florida State University 27 to 24 on October 7 during the 2000 regular season, and

WHEREAS, the Hurricane football team defeated the University of Florida 37 to 20 in the Nokia Sugar Bowl on January 2 following the 2000 football season, NOW, THEREFORE,

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

That the Florida Senate recognizes the University of Miami Hurricane football team as the champions of the State of Florida for the 2000 football season.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the University of Miami as a tangible token of the sentiments and congratulations of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Silver, **SR 2314** was read the second time in full and adopted.

## MOTIONS

On motion by Senator Rossin, Senators attending the funeral of former Representative Douglas Lee Jamerson on Friday, April 27, would be excused from session and be allowed to record their votes in the Journal on matters considered that day.

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

## SPECIAL ORDER CALENDAR

On motion by Senator Sanderson—

**SB 1986**—A bill to be entitled An act relating to group insurance for public officers, employees, and volunteers; amending s. 112.08, F.S.; prescribing procedure for a local governmental unit to replace health insurance when the contracting provider becomes financially impaired or fails or refuses to provide coverage; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1986** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1202** and **SB 1200** was deferred.

On motion by Senator Posey—

**CS for SB 1118**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; providing a definition of provisional ballot; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; providing an effective date.

—was read the second time by title.

Senator Posey moved the following amendment:

**Amendment 1 (831888)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *This act shall be known as the "Florida Election Reform Act of 2001."*

Section 2. Effective August 1, 2002, subsections (2), (29), and (30) of section 97.021, Florida Statutes, are amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(2) "Ballot" or "official ballot" when used in reference to:

(a) ~~"Voting machines," except when reference is made to write in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.~~

(a)(b) "Paper ballots" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(b)(c) "Electronic or electromechanical devices" means a ballot that which is voted by the process of electronically designating, including by touchscreen, punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(29) "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot, ~~be it a paper ballot, a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.~~

(30) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of ~~mechanical~~, electromechanical,

or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

Section 3. Effective August 1, 2002, section 98.471, Florida Statutes, is amended to read:

98.471 Use of precinct register at polls.—The precinct register, as prescribed in s. 98.461, may be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector. If the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49. ~~The precinct register may also contain the information set forth in s. 101.47(8) and, if so, the inspector shall follow the procedure required in s. 101.47, except that the identification provided by the elector shall be used for the signature comparison.~~

Section 4. Section 100.341, Florida Statutes, is amended to read:

100.341 Bond referendum ballot.—The ballots used in bond referenda shall ~~include a be on plain white paper with~~ printed description of the issuance of bonds to be voted on as prescribed by the authority calling the referendum. A separate statement of each issue of bonds to be approved, giving the amount of the bonds and interest rate thereon, together with other details necessary to inform the electors, shall be printed on the ballots in connection with the question "For Bonds" and "Against Bonds."

Section 5. Effective August 1, 2002, subsection (3) of section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(3) BALLOTS.—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: "Shall . . . be removed from the office of . . . by recall?" Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

" (name of person) should be removed from office."

" (name of person) should not be removed from office."

~~Immediately to the right of each of the propositions shall be placed a square on which the electors, by making a crossmark (X), may vote either of the propositions. Voting machines or electronic or electromechanical equipment may be used.~~

Section 6. Effective upon this act becoming a law, subsection (7) is added to section 101.015, Florida Statutes, to read:

101.015 Standards for voting systems.—

(7) *The Division of Elections shall review the voting systems certification standards and ensure that new technologies are available for selection by boards of county commissioners which meet the requirements for voting systems and meet user standards. The Division of Elections shall continuously review the voting systems certification standards to ensure that new technologies are appropriately certified for all elections in a timely manner. The division shall also develop methods to determine the will of the public with respect to voting systems.*

Section 7. Section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for ~~ballots~~ general election ballot.—~~In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:~~

(1) ~~Paper ballots~~ The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back.

(2) ~~Across the top of the ballot shall be printed "Official Ballot, General Election," beneath which shall be printed the county, the precinct number, and the date of the election. The precinct number, however, shall not be required for absentee ballots. Above the caption of the ballot shall be two stubs with a perforated line between the stubs and between the lower stub and the top of the ballot. The top stub shall be stub No. 1 and shall have printed thereon, "General Election, Official Ballot," and then shall appear the name of the county, the precinct number, and the date of the election. On the left side shall be a blank line under which shall be printed "Signature of Voter." On the right side shall be "Initials of Issuing Official," above which there shall be a blank line. The second stub shall be the same, except there shall not be a space for signature of the elector. Both stubs No. 1 and No. 2 on ballots for each precinct shall be prenumbered consecutively, beginning with "No. 1." However, a second stub shall not be required for absentee ballots.~~

(2)(3)(a) ~~Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose." The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading "Electors for President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party that which received the highest vote for Governor in the last general election of the Governor in this state, above which shall appear the name of said party. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, and district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, and such other county and district offices as are involved in the general election, in the order fixed by the Department of State, followed, in the year of their election, by "Party Offices," and thereunder the offices of state and county party executive committee members. When a write-in candidate has qualified for any office, a subheading "Write-in Candidate for (name of office)" shall be provided followed by a blank space in which to write the name of the candidate. In addition to the names printed on the ballot, a blank space shall be provided under each heading for an office for which a write-in candidate has qualified. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.~~

(b) ~~Immediately following the name of each office on the ballot shall be printed, "Vote for One." When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. Each nominee of a political party chosen in the primary shall appear on the general election ballot in the same numbered group or district as on the primary election ballot. The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. Following the group or district number shall be printed the words, "Vote for One," and the names of the candidates in the respective groups or districts shall be arranged thereunder.~~

(c) *If in any election all the offices as set forth in paragraph (a) are not involved, those offices to be filled shall be arranged on the ballot in the order named.*

(3)(a)4 The names of the candidates of the party ~~that~~ which received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first under the heading for each office *on the general election ballot*, together with an appropriate abbreviation of party name; the names of the candidates of the party ~~that~~ which received the second highest vote for Governor shall be second under the heading for each office, together with an appropriate abbreviation of the party name.

(b)(5) Minor political party candidates and candidates with no party affiliation shall have their names appear on the general election ballot following the names of recognized political parties, in the same order as they were certified.

(4)(a) *The names of candidates for each office shall be arranged alphabetically as to surnames on a primary election ballot.*

(b) *When two or more candidates running for the same office on a primary election ballot have the same or a similar surname, the word "incumbent" shall appear next to the incumbent's name.*

(5) *The primary election ballot shall be arranged so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor, if applicable.*

(6) *The general election ballot shall be arranged so that the offices of President and Vice President are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for President and Vice President and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.*

(7)(6) Except for justices or judges seeking retention, the names of unopposed candidates shall not appear on the general election ballot. Each unopposed candidate shall be deemed to have voted for himself or herself.

(8)(a) *The Department of State shall adopt rules prescribing a uniform primary and general election ballot for each certified voting system. The rules shall incorporate the requirements set forth in this section and shall prescribe additional matters and forms that include, without limitation:*

1. *Clear and unambiguous ballot instructions and directions;*
2. *Individual race layout; and*
3. *Overall ballot layout.*

(b) *The department rules shall graphically depict a sample uniform primary and general election ballot form for each certified voting system.*

~~(7) The same requirement as to the type, size, and kind of printing of official ballots in primary elections as provided in s. 101.141(5) shall govern the printing of official ballots in general elections.~~

~~(8) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. Not less than 60 days prior to a general election, the Department of State shall mail to each supervisor of elections the format of the ballot to be used for the general election.~~

~~(9) The provisions of s. 101.141(7) shall be applicable in printing of said ballot.~~

Section 8. Effective August 1, 2002, section 101.21, Florida Statutes, is amended to read:

101.21 Official ballots; number; printing; payment.—

(1) ~~Where applicable in any county in which voting machines are not used,~~ the supervisor of elections shall determine the actual number of ballots to be printed. The printing and delivery of ballots and cards of instruction shall, in a municipal election, be paid for by the municipality, and in all other elections by the county.

~~(2) In any county in which voting machines are used, one set of official ballots shall be provided for each machine plus a number of sets~~

~~equal to 5 percent of the total number of machines; one set shall be inserted or placed in or upon each machine, and the remainder of the sets shall be retained in the custody of the supervisor, unless it shall become necessary during the election to make use of same upon or in the machines.~~

Section 9. Effective August 1, 2002, section 101.24, Florida Statutes, is amended to read:

101.24 Ballot boxes and ballots.—The supervisor of elections, ~~except where voting machines are used,~~ shall prepare for each polling place one ballot box of sufficient size to contain all the ballots of the particular precinct, and the ballot box shall be plainly marked with the name of the precinct for which it is intended. An additional ballot box, if necessary, may be supplied to any precinct. Before each election, the supervisor shall place in the ballot box or ballot transfer container as many ballots as are required in s. 101.21. After securely sealing the ballot box or ballot transfer container, the supervisor shall send the ballot box or ballot transfer container to the clerk or inspector of election of the precinct in which it is to be used. The clerk or inspector shall be placed under oath or affirmation to perform his or her duties faithfully and without favor or prejudice to any political party.

Section 10. Effective August 1, 2002, section 101.292, Florida Statutes, is amended to read:

101.292 Definitions; ss. 101.292-101.295.—As used in ss. 101.292-101.295, the following terms shall have the following meanings:

(1) "Governing body" means the board of county commissioners of a county or any other governing body empowered by general or special act or local ordinance to purchase or sell voting equipment.

~~(2) "Voting equipment" means new or used voting machines and materials, parts, or other equipment necessary for the maintenance or improvement of voting machines, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017. The term "voting equipment" also includes electronic or electromechanical voting systems, voting devices, and automatic tabulating equipment as defined in s. 101.5603, as well as materials, parts, or other equipment necessary for the operation and maintenance of such systems and devices, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017.~~

(3) "Purchase" means a contract for the purchase, lease, rental, or other acquisition of voting equipment.

Section 11. Effective August 1, 2002, section 101.341, Florida Statutes, is amended to read:

101.341 Prohibited activities by voting ~~system machine~~ custodians and deputy custodians.—

(1) No voting ~~system machine~~ custodian or deputy custodian or other employee of the supervisor of elections, which employee's duties are primarily involved with the preparation, maintenance, or repair of voting equipment, ~~may~~ shall accept employment or any form of consideration from any person or business entity involved in the purchase, repair, or sale of voting equipment unless such employment has the prior written approval of the supervisor of elections of the county by which such person is employed.

(2) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083. Such person shall also be subject to immediate discharge from his or her position.

Section 12. Effective August 1, 2002, section 101.43, Florida Statutes, is amended to read:

101.43 Substitute ballot.—When ~~voting machines are used~~ and the required official ballots for a precinct are not delivered in time to be used on election day, or after delivery, are lost, destroyed or stolen, the clerk or other officials whose duty it is to provide ballots for use at such election, in lieu of the official ballots, shall have substitute ballots prepared, conforming as nearly as possible to the official ballots, and the board of election shall substitute these ballots to be used in the same manner as the official ballots would have been used at the election.

Section 13. Effective August 1, 2002, section 101.49, Florida Statutes, is amended to read:

101.49 Procedure of election officers where signatures differ.—

(1) Whenever any clerk or inspector, upon a just comparison of the signature, shall doubt that the handwriting affixed to a signature identification slip of any elector who presents himself or herself at the polls to vote is the same as the signature of the elector affixed in the registration book, the clerk or inspector shall deliver to the person an affidavit which shall be in substantially the following form:

STATE OF FLORIDA,  
COUNTY OF . . . . .

I do solemnly swear (or affirm) that my name is . . . . ; that I am . . . . years old; that I was born in the State of . . . . ; that I am registered to vote, and at the time I registered I resided on . . . . Street, in the municipality of . . . . , County of . . . . , State of Florida; that I am a qualified voter of the county and state aforesaid and have not voted in this election.

(Signature of voter)

Sworn to and subscribed before me this . . . . day of . . . . , A. D. (year).

(Clerk or inspector of election)  
Precinct No. . . . .  
County of . . . . .

(2) The person shall fill out, in his or her own handwriting or with assistance from a member of the election board, the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted to the voting machine to cast his or her vote, but if the person fails or refuses to make out or file such affidavit, then he or she shall not be permitted to vote.

Section 14. Effective August 1, 2002, subsections (5) and (8) of section 101.5603, Florida Statutes, are amended to read:

101.5603 Definitions relating to Electronic Voting Systems Act.—As used in this act, the term:

(5) "Marking device" means ~~either an approved apparatus used for the piercing of ballots by the voter or any approved device for marking a ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.~~

(8) "Voting device" means ~~either an apparatus in which ballots are inserted and used in connection with a marking device for the piercing of ballots by the voter or an apparatus by which votes are registered electronically.~~

Section 15. Effective August 1, 2002, section 101.5604, Florida Statutes, is amended to read:

101.5604 Adoption of system; procurement of equipment; commercial tabulations.—The board of county commissioners of any county, at any regular meeting or a special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county. Thereafter the electronic or electromechanical voting system may be used for voting at all elections for public and party offices and on all measures and for receiving, registering, and counting the votes thereof in such election precincts as the governing body directs. *Any electronic or electromechanical voting system used by the county shall be a precinct tabulation voting system. Any such board may contract for the tabulation of votes at a location within the county when there is no suitable tabulating equipment available which is owned by the county.*

Section 16. Effective August 1, 2002, section 101.5606, Florida Statutes, is amended to read:

101.5606 Requirements for approval of systems.—

(1) No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(a)(1) It permits and requires voting in secrecy.

(b)(2) It permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.

(c)(3) The automatic tabulating equipment will be set to reject all votes for any office or measure when *a race or measure is overvoted or when every race and measure on the ballot is undervoted* ~~the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or measure.~~

(d)(4) It is capable of correctly counting votes.

(e)(5) It permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.

(f)(6) At presidential elections it permits each elector, by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.

(g)(7) It provides a method for write-in voting.

(h)(8) It is capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.

(i)(9) It is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

(j)(10) It is capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.

(k)(11) If it is of a type which registers votes electronically, it will permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed.

(l)(12) It is capable of providing records from which the operation of the voting system may be audited.

(m) *It uses a precinct-count tabulation system.*

(2) *A voting system that uses an apparatus or device for the piercing of ballots by the voter may not be used in this state.*

Section 17. Effective August 1, 2002, subsections (2), (3), and (7) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(2)(a) ~~If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.~~

(b) ~~If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.~~

(2)(3)(a) ~~All proceedings at any the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any~~

ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release. ~~If the ballots are tabulated at regional locations, one member of the canvassing board or a person designated by the board to represent it shall be present at each location during the testing of the counting equipment and the tabulation of the ballots.~~

~~(3)(b) Results of~~ If ballots are tabulated at ~~precinct~~ regional locations, the results of such election may be transmitted via dedicated teleprocessing lines to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns by dedicated teleprocessing lines shall conform to rules adopted by the Department of State pursuant to s. 101.015.

(7) Absentee ballots may be counted by automatic tabulating equipment if they have been punched or marked in a manner that which will enable them to be properly counted by such equipment.

Section 18. Effective August 1, 2002, section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—The Department of State may, at any time it deems fit; upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committeewoman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of voting systems and equipment machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the voting equipment election machines and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 19. Section 101.595, Florida Statutes, is created to read:

101.595 Analysis and reports of voter error.—

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report on voter errors to the Department of State, along with the likely reasons for the errors and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion.

(2) The Department of State, upon receipt of such information, shall prepare a public report on the performance of each type of voting system. The report must contain, but is not limited to, the following information:

- (a) An identification of problems with the ballot design or instructions which may have contributed to voter confusion;
- (b) An identification of voting system design problems; and,
- (c) Recommendations for correcting any problems identified.

(3) The Department of State shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.

Section 20. Effective August 1, 2002, subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, including voting machines where used, the supervisor may provide, not less than 30 days prior to the holding of an election, that the voting place

for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

Section 21. Subsection (1) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and the voting devices of the voting system used in the county machines are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

Section 22. Subsections (8) and (9) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(8) All names of candidates or delegates shall be listed as directed by the Department of State. ~~The ballot as prescribed in this section shall be used.~~

~~(9) The presidential preference primary ballot shall be in substantially the following form:~~

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT  
No. .... Party  
.... COUNTY, FLORIDA  
Precinct No. ....  
—(Date)—  
—(Signature of Voter)— —(Initials of Issuing Official)—

Stub No. 1  
OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT  
No. .... Party  
.... COUNTY, FLORIDA  
Precinct No. ....  
—(Date)—  
—(Initials of Issuing Official)—

Stub No. 2  
OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT  
.... Party  
.... COUNTY, FLORIDA  
Precinct No. ....  
—(Date)—

Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote.

For President  
—(Name of Candidate)—  
—(Name of Candidate)—

or place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.

—(Name of Delegate)— —(Name of Candidate)—

Section 23. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting ~~system machine~~; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting ~~system, components, machine~~ or key thereof is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting ~~system or equipment machine~~ with the intention of interfering with the election process or the results thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 24. Effective August 1, 2002, section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.—The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in *the said election, the said ballot* to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the ~~said ballots; provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines.~~

Section 25. Paragraph (c) of subsection (1) of section 582.18, Florida Statutes, is amended to read:

582.18 Election of supervisors of each district.—

(1)

(c) The names of all nominees on behalf of whom such nominating petitions have been filed shall appear upon ballots in accordance with the general election laws. All qualified electors residing within the district shall be eligible to vote in such election. The candidates who receive the largest number of the votes cast from each group of candidates, ~~as provided in s. 100.071,~~ in such election shall be the elected supervisors from such group for such district. In the case of a newly created district participating in a regular election for the first time, three groups of candidates shall be elected for terms of 4 years, and two groups shall be elected for initial terms of 2 years. Each candidate elected shall assume office on the first Tuesday after the first Monday in January following the election.

Section 26. *Sections 100.071, 101.141, 101.181, 101.191, 101.251, and 101.5609, Florida Statutes, are repealed.*

Section 27. *Effective August 1, 2002, sections 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, and 102.012(7), Florida Statutes, are repealed.*

Section 28. Section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) “Absent elector” means any registered and qualified voter who casts an absentee ballot.:

~~(a) Is unable without another’s assistance to attend the polls.~~

~~(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he or she is registered to vote.~~

~~(c) On account of the tenets of his or her religion, cannot attend the polls on the day of the general, special, or primary election.~~

~~(d) May not be in the precinct of his or her residence during the hours the polls are open for voting on the day of the election.~~

~~(e) Has changed his or her residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.~~

~~(f) Has changed his or her residency to another state and is ineligible under the laws of that state to vote in the general election; however, this pertains only to presidential ballots.~~

(2) “Ballot” or “official ballot” when used in reference to:

(a) “Voting machines,” except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.

(b) “Paper ballots” means that printed sheet of paper containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(c) “Electronic or electromechanical devices” means a ballot which is voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(3) “Candidate” means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate’s oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(4) “Central voter file” means a statewide, centrally maintained database containing voter registration information of all counties in this state.

(5) “Department” means the Department of State.

(6) “Division” means the Division of Elections of the Department of State.

(7) “Election” means any primary election, special primary election, special election, general election, or presidential preference primary election.

(8) “Election board” means the clerk and inspectors appointed to conduct an election.

(9) “Election costs” shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for absentee voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with absentee ballot preparation, poll workers, and election night canvass.

(10) “Elector” is synonymous with the word “voter” or “qualified elector or voter,” except where the word is used to describe presidential electors.

(11) “General election” means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(12) "Lists of registered electors" means copies of printed lists of registered electors, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.

(13) "*Member of the Merchant Marine*" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:

(a) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(b) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of such vessel.

(14)(13) "Minor political party" is any group as defined in this subsection which on January 1 preceding a primary election does not have registered as members 5 percent of the total registered electors of the state. Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the department a certificate showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the minor political party to notify the department of any changes in the filing certificate within 5 days of such changes.

(15)(14) "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(16)(15) "Nominal value" means having a retail value of \$10 or less.

(17)(16) "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(18)(17) "Office that serves persons with disabilities" means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.

(19) "*Overseas voter*" means:

(a) Members of the uniformed services while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

(b) Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

(c) Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,

who are qualified and registered to vote as provided by law.

(20) "*Overvote*" means that the elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question.

(21)(18) "Persons with disabilities" means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

(22)(19) "Polling place" is the building which contains the polling room where ballots are cast.

(23)(20) "Polling room" means the actual room in which ballots are cast.

(24)(21) "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary election is a nomination or elimination election; the second primary is a nominating election only.

(25) "*Provisional ballot*" means a ballot issued to a voter by the election board at the polling place on election day for one of the following reasons:

(a) The voter's name does not appear on the precinct register and verification of the voter's eligibility cannot be determined; or

(b) There is an indication on the precinct register that the voter has requested an absentee ballot and the voter does not return the absentee ballot to the election board at the precinct.

(26)(22) "Public assistance" means assistance provided through the food stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the WAGES Program.

(27)(23) "Public office" means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.

(28)(24) "Qualifying educational institution" means any public or private educational institution receiving state financial assistance which has, as its primary mission, the provision of education or training to students who are at least 18 years of age, provided such institution has more than 200 students enrolled in classes with the institution and provided that the recognized student government organization has requested this designation in writing and has filed the request with the office of the supervisor of elections in the county in which the institution is located.

(29)(25) "Special election" is a special election called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

(30)(26) "Special primary election" is a special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

(31)(27) "Supervisor" means the supervisor of elections.

(32) "*Undervote*" means that the elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question.

(33) "*Uniformed services*" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(34)(28) "Voter registration agency" means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

(35)(29) "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot, be it a paper ballot, a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.

(36)(30) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of mechanical, electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

Section 29. Section 101.048, Florida Statutes, is created to read:

101.048 *Provisional ballots.*—

(1)(a) At all elections, a voter claiming to be properly registered in the county and eligible to vote in the election but whose eligibility cannot be

determined shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

(b) The county canvassing board shall examine each provisional ballot to determine whether the person voting that ballot was entitled to vote in the election and to assure that the person had not already cast a ballot in the election.

1. If it is determined that the person was registered and entitled to vote, the canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if it matches, shall count the ballot. The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct of his or her legal residence. However, if the voter did not vote the ballot to which he or she was entitled, the canvassing board shall duplicate the ballot for the races that the voter was entitled to vote in his or her legal precinct and count the races for which the voter was entitled to vote.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate, and the envelope shall be marked "Rejected as Illegal."

(2) The Provisional Ballot Voter's Certificate shall be in substantially the following form:

STATE OF FLORIDA

COUNTY OF

I do solemnly swear (or affirm) that my name is . . . . ; that my date of birth is . . . . ; that I am registered to vote and at the time I registered I resided at . . . . , in the municipality of . . . . , in . . . . County, Florida; that I am a qualified voter of the county and have not voted in this election.

(Signature of Voter) (Current Address)

Sworn to and subscribed before me this . . . . day of . . . . , (year).

(Clerk or Inspector of Election)

You may provide additional information to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

(3) In counties where the voting system does not use a paper ballot, the supervisor of elections shall provide the appropriate provisional ballots to each polling place.

Section 30. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct within the county in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, (Name of voter), swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of . . . . , in . . . . County, Florida, and I was registered to vote in the . . . . precinct of . . . . County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of . . . . , in . . . . County, Florida, and am therefore eligible to vote in the . . . . precinct of . . . . County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered Voter

Under penalties for false swearing, I, (New name of voter), swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration books of precinct . . . . as follows:

Name . . . . .
Address . . . . .
Municipality . . . . .
County . . . . .
Florida, Zip . . . . .

My present name and address of legal residence are as follows:

Name . . . . .
Address . . . . .
Municipality . . . . .
County . . . . .
Florida, Zip . . . . .

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose name has changed)

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.

(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered and when the elector cannot present a valid registration identification card, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.

Section 31. Subsections (1), (2), (5), (6), and (8) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election

board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, *provisional*, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.

(5) If any ballot card of the type for which the offices and measures are not printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and measures are printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card in the presence of witnesses and in the manner set forth above, or the valid votes on the damaged ballot card may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board. The totals for all such ballots or ballot cards counted manually shall be added to the totals for the several precincts or election districts. No vote shall be declared invalid or void if there is a clear indication on the ballot that the voter has made a definite choice of the intent of the voter as determined by the canvassing board. After duplicating a ballot, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(6) ~~If there is no clear indication on the ballot that the voter has made a definite choice for an office or ballot measure if an elector marks more names than there are persons to be elected to an office or if it is impossible to determine the elector's choice, the elector's ballot shall not be counted for that office or measure, but the ballot shall not be invalidated as to those names or measures which are properly marked.~~

(8) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes and votes from *provisional ballots*, shall constitute the official return of the election upon certification by the canvassing board. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

Section 32. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election notwithstanding that the elector has requested an absentee ballot for that election. An elector who has received an absentee ballot, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector is unable to return the ballot, the elector may vote a *provisional ballot as provided in s. 101.048* execute an affidavit stating that the absentee ballot has not been voted and the elector may then vote at the precinct.

Section 33. Section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

~~(1) Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. The Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission. The Elections Canvassing Commission shall consist of the Governor and two members of the Cabinet selected by the Governor. If a member of the Elections Canvassing Commission is unable to serve for any reason, the Governor shall appoint a remaining member of the Cabinet. If there is a further vacancy, the remaining members of the commission shall agree on another elected official to fill the vacancy. The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each federal, state, and multi-county office. In the event that any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

(2) The Division of Elections shall provide the staff services required by the Elections Canvassing Commission.

Section 34. Section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State; penalties.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. Returns must be filed by 5 p.m. on the 7th day following the first primary and general election and by 5 p.m. on the 11th 3rd day following the general election second primary. ~~If the county canvassing board is unable to timely certify the results of an office or measure for which late-filed returns must be accepted pursuant to subsection (2), the canvassing board shall nevertheless certify by the deadline all races in which returns are complete. If the returns are not received by the department by the time specified, such returns may be ignored and the results on file at that time may be certified by the department.~~

(2)(a) ~~If the county returns are not received by the Department of State by 5 p.m. of the 7th day following a primary election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

(b)1. Following a general election, the Department of State shall accept returns filed after the certification deadline as follows:

a. For the office of United States Senate and United States House of Representatives, until 5 p.m. on January 2 of the year following the election.

b. For statewide offices, until 5 p.m. on the first Monday in January following the election.

c. For state legislative offices, until 5 p.m. on the 13th day following the election.

d. For other state or multi-county offices, until 5 p.m. on the day prior to the date the successful candidate is to take office.

e. For ballot measures, until 5 p.m. on the day prior to the measure taking effect or until the certification deadline, whichever is later.

2. Following a general election, the Department of State shall not accept returns filed after the certification deadline for the offices of United States President and Vice President.

(c) ~~If returns are missing from any county for an office for which late-filed returns must be accepted pursuant to paragraph (b), the Elections Canvassing Commission shall nevertheless certify the results for all other offices for which all returns have been received. Following receipt of all~~

late-filed returns accepted pursuant to paragraph (b), or upon the expiration of the late-filing deadline for the office in question, whichever occurs earlier, the Elections Canvassing Commission shall separately certify the results of that office.

(3)(2) The department shall fine each board member \$500 \$200 for each day such returns are late, the fine to be paid only from the board member's personal funds. Such fines shall be deposited into the Election Campaign Financing Trust Fund, created by s. 106.32.

(4)(3) Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.

Section 35. Present subsections (5) and (6) of section 102.141, Florida Statutes, are redesignated as subsections (7) and (8), respectively, present subsection (4) is amended and redesignated as subsection (6), subsections (2) and (3) are amended, and new subsections (4) and (5) are added to that section to read:

102.141 County canvassing board; duties.—

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 and provisional ballots as provided by s. 101.048. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots and provisional ballots shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections and the office of the county court judge.

(3) The canvass, except the canvass of absentee electors' returns and the canvass of provisional ballots, shall be made from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before 2 a.m. noon of the day following any primary, general, special, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) The canvassing board shall submit unofficial returns to the Department of State for each federal, statewide, state, or multi-county office or ballot measure no later than noon on the day after any primary, general, special, or other election.

(5) If the county canvassing board determines that the unofficial returns may contain a counting error in which the vote tabulation system failed to count votes that were properly marked in accordance with the instructions on the ballot, the county canvassing board shall:

(a) Correct the error and recount the affected ballots with the vote tabulation system; or

(b) Request that the Department of State verify the tabulation software. When the Department of State verifies such software, the department shall compare the software used to tabulate the votes with the software filed with the department pursuant to s. 101.5607 and check the election parameters.

(6)(4) If the unofficial returns for any office reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) In counties with voting systems that use ballot cards or paper ballots, each canvassing board responsible for conducting a recount shall put each ballot through the automatic tabulating equipment for each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. Immediately before the start of the recount and after completion of the count, a test of the tabulating equipment shall be conducted as provided in s. 101.5612(2). If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause thereof shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

(b) In counties with voting systems that do not use ballot cards or paper ballots, each canvassing board responsible for conducting a recount shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the overall election return returns and the counters of the precinct tabulators machines or the tabulation of the ballots cast, the counters of the precinct tabulators of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(c) The canvassing board shall submit a second set of unofficial returns to the Department of State for each federal, statewide, state, or multi-county office or ballot measure no later than noon on the second day after any election in which a recount was conducted pursuant to this subsection. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

Section 36. Section 102.166, Florida Statutes, is amended to read:

102.166 Manual recounts ~~Protest of election returns; procedure.~~—

(1) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure.

(2)(a) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by between one-quarter and one-half of a percent of the votes cast for such office, that a candidate for retention to judicial office was retained or not retained by between one-quarter and one-half of a percent of the votes cast

on the question of retention, or that a measure appearing on the ballot was approved or rejected by between one-quarter and one-half of a percent of the votes cast on such measure, any such candidate, the political party of such candidate, or any political committee that supports or opposes such ballot measure is entitled to a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure, provided that:

1. A request for a manual recount is made by 5 p.m. on the second day after the election; and

2. At the time of the request, the requesting party posts a bond in an amount prescribed by rule of the Department of State, which shall be forfeited if the outcome of the election does not change.

(b) For federal, statewide, state, and multi-county races and ballot issues, requests for a manual recount shall be made in writing to the state Elections Canvassing Commission. For all other races and ballot issues, requests for a manual recount shall be made in writing to the county canvassing board.

(c) Upon receipt of an appropriate, timely request accompanied by an adequate bond, the Elections Canvassing Commission or county canvassing board shall immediately order a manual recount of overvotes and undervotes in all affected jurisdictions.

(d) The Department of State shall adopt rules prescribing the amount of the bond required to be posted when requesting a manual recount. The amount of the bond shall cover the overall cost to conduct the recount. The rules may provide for formulas to calculate the costs of an election recount, based on factors such as:

1. Number of ballots involved;
2. Number of counties involved;
3. Type of voting system involved;
4. Geographic location of the recount;
5. Timeframe to conduct the recount; and
6. Any other factor that may affect the cost of the recount.

The department shall solicit information from each county as to recount costs, and shall consider such information in adopting the rules. The department's rules shall also provide procedures for posting of the bond and the distribution of funds to the affected counties upon forfeiture.

(3)(a) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State as part of the voting system pursuant to s. 101.015. Any such hardware or software must be capable of simultaneously counting votes. For certified voting systems, the department shall certify such hardware or software by July 1, 2002. If the department is unable to certify such hardware or software for a certified voting system by July 1, 2002, the department shall adopt rules prescribing procedures for identifying and sorting such overvotes and undervotes. The department's rules may provide for the temporary use of hardware or software whose sole function is identifying and sorting overvotes and undervotes.

(b) This subsection does not preclude the department from certifying hardware or software after July 1, 2002.

(c) Overvotes and undervotes shall be identified and sorted while recounting ballots pursuant to s. 102.141, if the hardware or software for this purpose has been certified or the department's rules so provide.

(1) Any candidate for nomination or election, or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the appropriate canvassing board a sworn, written protest.

(2) Such protest shall be filed with the canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 5 days after midnight of the date the election is held, whichever occurs later.

(3) Before canvassing the returns of the election, the canvassing board shall:

(a) When paper ballots are used, examine the tabulation of the paper ballots cast.

(b) When voting machines are used, examine the counters on the machines of nonprinter machines or the printer pac on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer pac, the counters of such machines or the printer pac shall be presumed correct.

(c) When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy which could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.

(4)(a) Any candidate whose name appeared on the ballot, any political committee that supports or opposes an issue which appeared on the ballot, or any political party whose candidates' names appeared on the ballot may file a written request with the county canvassing board for a manual recount. The written request shall contain a statement of the reason the manual recount is being requested.

(b) Such request must be filed with the canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 72 hours after midnight of the date the election was held, whichever occurs later.

(c) The county canvassing board may authorize a manual recount. If a manual recount is authorized, the county canvassing board shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.

(d) The manual recount must include at least three precincts and at least 1 percent of the total votes cast for such candidate or issue. In the event there are less than three precincts involved in the election, all precincts shall be counted. The person who requested the recount shall choose three precincts to be recounted, and, if other precincts are recounted, the county canvassing board shall select the additional precincts.

(5) If the manual recount indicates an error in the vote tabulation which could affect the outcome of the election, the county canvassing board shall:

(a) Correct the error and recount the remaining precincts with the vote tabulation system;

(b) Request the Department of State to verify the tabulation software; or

(c) Manually recount all ballots.

(4)(6) Any manual recount shall be open to the public.

(5)(a) A vote for a candidate or ballot measure shall be counted if there is a clear indication on the ballot that the voter has made a definite choice.

(b) The Department of State shall adopt specific rules for each certified voting system prescribing what constitutes a "clear indication on the ballot that the voter has made a definite choice." The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or,

2. Contain a catch-all provision that fails to identify specific standards, such as "any other mark or indication clearly indicating that the voter has made a definite choice."

(6)(7) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice a

~~voter's intent in casting a ballot, the ballot shall be presented to the county canvassing board for a determination to determine the voter's intent.~~

*(c) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:*

1. *Security of ballots during the recount process;*
2. *Time and place of recounts;*
3. *Public observance of recounts;*
4. *Objections to ballot determinations;*
5. *Record of recount proceedings; and*
6. *Procedures relating to candidate and petitioner representatives.*

~~(8) If the county canvassing board determines the need to verify the tabulation software, the county canvassing board shall request in writing that the Department of State verify the software.~~

~~(9) When the Department of State verifies such software, the department shall:~~

~~(a) Compare the software used to tabulate the votes with the software filed with the Department of State pursuant to s. 101.5607; and~~

~~(b) Check the election parameters.~~

~~(10) The Department of State shall respond to the county canvassing board within 3 working days.~~

Section 37. Subsections (2), (3) and (4) of section 102.168, Florida Statutes, are amended to read:

102.168 Contest of election.—

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of the election being contested or within 5 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of that particular election following a protest pursuant to s. 102.166(1), whichever occurs later.

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(b) Ineligibility of the successful candidate for the nomination or office in dispute.

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

(e) *Proof that valid votes were not counted due to system malfunctions or any other valid reason* ~~Any other cause or allegation~~ which, if sustained, would show that a person other than the successful candidate was the person duly nominated or elected to the office in question or that the outcome of the election on a question submitted by referendum was contrary to the result declared by the canvassing board or *Elections Canvassing Commission* ~~election board~~.

(4) The canvassing board or *Elections Canvassing Commission* ~~election board~~ shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate.

Section 38. Section 102.135, Florida Statutes, is created to read:

*102.135 Prohibited activities.—A member of the Elections Canvassing Commission or a member of the county canvassing board who publicly endorses or solicits contributions on behalf of a candidate for public office may not render any post-election decision in his or her official capacity as a member of the commission or board which may affect the outcome of any race in which he or she publicly endorsed or solicited contributions on behalf of a candidate for public office.*

Section 39. Section 97.0555, Florida Statutes, is created to read:

*97.0555 Late registration.—An individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or from employment outside the territorial limits of the United States, after the book closing for an election pursuant to s. 97.055 who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before that election. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section. The Department of State shall adopt rules specifying documentation that is sufficient to determine eligibility.*

Section 40. Section 101.6951, Florida Statutes, is created to read:

*101.6951 State write-in ballot.—*

*(1) An overseas voter may request, not earlier than 180 days before a general election, a state write-in absentee ballot from the supervisor of elections in the county of registration. In order to receive a state write-in ballot, the voter shall state that due to military or other contingencies that preclude normal mail delivery, the voter cannot vote an absentee ballot during the normal absentee voting period. State write-in absentee ballots shall be made available to voters 90 to 180 days prior to a general election. The Department of State shall prescribe by rule the form of the state write-in ballot.*

*(2) In completing the ballot, the overseas voter may designate his or her choice by writing in the name of the candidate or by writing in the name of a political party, in which case the ballot must be counted for the candidate of that political party, if there is such a party candidate on the ballot.*

*(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication on the ballot that the voter has made a definite choice.*

*(4) The state write-in ballot shall contain all offices, federal, state, and local, for which the voter would otherwise be entitled to vote.*

Section 41. Section 101.6952, Florida Statutes, is created to read:

*101.6952 Absentee ballots for overseas voters.—*

*(1) If an overseas voter's request for an absentee ballot includes an e-mail address, the supervisor of elections shall inform the voter of the names of candidates who will be on the ballots via electronic transmission. The supervisor of elections shall e-mail to the voter the list of candidates for the primary and general election not later than 30 days before each election.*

*(2) For absentee ballots received from overseas voters, there is a presumption that the envelope was mailed on the date stated and witnessed on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election.*

Section 42. Section 101.697, Florida Statutes, is created to read:

*101.697 Electronic transmission of election materials.—The Department of State shall adopt rules to authorize a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile machine or other electronic means from overseas voters. The rules must provide that in order to accept a voted ballot, the verification*

of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.

Section 43. Section 101.698, Florida Statutes, is created to read:

101.698 Absentee voting in emergency situations.—If a national or local emergency or other situation arises which makes substantial compliance with the provisions of state or federal law relating to the methods of voting for overseas voters impossible or unreasonable, such as an armed conflict involving United States Armed Forces or mobilization of those forces, including state National Guard and reserve components, the Elections Canvassing Commission may adopt by emergency rules, such special procedures or requirements necessary to facilitate absentee voting by those persons directly affected who are otherwise eligible to vote in the election.

Section 44. Paragraph (b) of subsection (1) and subsection (7) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(1)

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:

- 1. The name of the elector for whom the ballot is requested;
2. The elector's address;
3. The last four digits of the elector's social security number;
4. The registration number on the elector's date of birth registration identification card;
5. The requester's name;
6. The requester's address;
7. The requester's social security number and, if available, driver's license number;
8. The requester's relationship to the elector; and
9. The requester's signature (written requests only).

(7)(a) For the purposes of this section, "absent qualified elector overseas" means:

- 1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;
2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and
3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia, who are qualified and registered as provided by law.

(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

(c) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.

Section 45. Section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, . . . , do solemnly swear or affirm that I am a qualified and registered voter of . . . County, Florida and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature properly witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

- 1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.
6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.
7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

(Date) (Voter's Signature)

(Last four digits of voter's social security number)

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

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

(Signature of Official)
(Print, Type, or Stamp Name)
(State or Country of Commission)

Personally Known . . . OR Produced Identification . . .

Type of Identification Produced . . .

OR

b. One Witness 18 Years of Age or Older as provided in item 8 of the Instruction Sheet, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

(Signature of Witness) (Printed Name of Witness)

(Voter I.D. Number of Witness and County of Registration)

(Address) (City/State)

(2) The certificate shall be arranged on the back of the mailing envelope so that the lines for the signatures of the absent elector and the

attesting witness are across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the voter or witness must cross the seal of the envelope. The absent elector and the attesting witness shall execute the certificate on the envelope.

Section 46. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.
2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.
3. Place your marked ballot in the enclosed secrecy envelope.
4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.
5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.
6. VERY IMPORTANT. In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature).

7. *VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.* ~~place the last four digits of your Social Security number in the space provided, and your ballot must be witnessed in either of the following manners:~~

a. ~~One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing five ballots per election unless certified as an absentee ballot coordinator. A candidate may not serve as an attesting witness.~~

b. ~~Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.~~

8. *VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. No candidate may serve as an attesting witness.*

9.7. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10.8. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 47. Section 101.657, Florida Statutes, is amended to read:

101.657 Voting absentee ballots in person.—

(1) ~~Notwithstanding s. 97.021(1),~~ Any qualified and registered elector ~~who is unable to attend the polls on election day~~ may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49.

(2) As an alternative to the provisions of ss. 101.64, ~~101.647~~, and 101.65, the supervisor of elections may allow an elector to cast an absentee ballot in the main or branch office of the supervisor by depositing the

voted ballot in a voting device used by the supervisor to collect or tabulate ballots. The results or tabulation may not be made before the close of the polls on election day.

(a)~~(3)~~ The elector must provide picture identification and must complete an In-Office Voter Certificate in substantially the following form:

IN-OFFICE VOTER CERTIFICATE

I, . . . , am a qualified elector in this election and registered voter of . . . County, Florida. I do solemnly swear or affirm that I am the person so listed on the voter registration rolls of . . . County and that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election I could be convicted of a felony of the third degree and both fined up to \$5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate and have my signature witnessed invalidates my ballot. ~~I am entitled to vote an absentee ballot because I am unable to attend the polls on election day.~~

(Voter's Signature)

(Address)

(City/State)

(Name of Witness)

(Signature of Witness)

(Type of identification provided)

(b)(4) Any elector may challenge an elector seeking to cast an absentee ballot under the provisions of s. 101.111. Any challenged ballot must be placed in a regular absentee ballot envelope. The canvassing board shall review the ballot and decide the validity of the ballot by majority vote.

(c)(5) The canvass of returns for ballots cast under this subsection shall be substantially the same as votes cast by electors in precincts, as provided in s. 101.5614.

Section 48. Paragraphs (a) and (c) of subsection (2) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of absentee ballot.—

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may *also begin at 7 a.m. on the fourth day before the election begin upon the opening of the polls on election day.* However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be made until after the close of the polls on election day.

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. An absentee ballot shall be considered illegal if it does not include the signature ~~and the last four digits of the social security number~~ of the elector, as shown by the registration records, and ~~the signature and address of an attesting witness. either:~~

a. ~~The subscription of a notary or officer defined in Item 6.b. of the instruction sheet, or~~

b. ~~The signature, printed name, address, voter identification number, and county of registration of one attesting witness, who is a registered voter in the state.~~

However, an absentee ballot shall not be considered illegal if the signature of the elector or attesting witness does not cross the seal of the mailing envelope ~~or if the person witnessing the ballot is in violation of s. 104.047(3).~~ If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

2. If any elector or candidate present believes that an absentee ballot is illegal due to a defect apparent on the voter's certificate, he or she may,

at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate may not be accepted after the ballot has been removed from the mailing envelope.

Section 49. Section 104.047, Florida Statutes, is amended to read:

104.047 Absentee ballots and voting; violations.—

(1) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, except as provided in ss. 101.6105-101.694, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Except as provided in s. 101.62 or s. 101.655, any person who requests an absentee ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(3) Any person, other than a notary or other officer entitled to administer oaths or an absentee ballot coordinator as provided by s. 101.685, who witnesses more than five ballots in any single election, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(3)(4) Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.661, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(5) Any person who returns more than two absentee ballots to the supervisors of elections in violation of s. 101.647 is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 50. Sections 101.647 and 101.685, Florida Statutes, are repealed.

Section 51. Section 98.255, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 98.255, F.S., for present text.)*

98.255 Voter education programs.—

(1) *By March 1, 2002, the Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. In developing the rules, the department shall review current voter-education programs within each county of the state. The standards shall address, but are not limited to, the following subjects:*

- (a) *Voter registration;*
- (b) *Balloting procedures, absentee and polling place;*
- (c) *Voter rights and responsibilities;*
- (d) *Distribution of sample ballots; and*
- (e) *Public service announcements.*

(2) *Each county supervisor shall implement the minimum voter education standards, and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.*

(3)(a) *By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter-education programs implemented and any other information that may be useful in evaluating the effectiveness of voter-education efforts.*

(b) *The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter-education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.*

*(c) The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in the report as a basis for adopting modified rules that incorporate successful voter-education programs and techniques, as necessary.*

Section 52. Section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(1) The Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. *The cards must also include the list of rights and responsibilities afforded to Florida voters, as described in subsection (2).*

*(2) The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:*

#### VOTER'S BILL OF RIGHTS

*Each registered voter in this state has the right to:*

1. *Vote and have his or her vote accurately counted.*
2. *Cast a vote if he or she is in line when the polls are closing.*
3. *Ask for and receive assistance in voting.*
4. *Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.*
5. *An explanation if his or her registration is in question.*
6. *If his or her registration is in question, cast a provisional ballot.*
7. *Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.*
8. *Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.*
9. *Vote free from coercion or intimidation by elections officers or any other person.*
10. *Vote on a voting system that is in working condition and that will allow votes to be accurately cast.*

#### VOTER RESPONSIBILITIES

*Each registered voter in this state has the responsibility to:*

1. *Study and know candidates and issues.*
  2. *Keep his or her voter address current.*
  3. *Know his or her precinct and its hours of operation.*
  4. *Bring proper identification to the polling station.*
  5. *Know how to operate voting equipment properly.*
  6. *Treat precinct workers with courtesy.*
  7. *Respect the privacy of other voters.*
  8. *Report problems or violations of election law.*
  9. *Ask questions when confused.*
  10. *Check his or her completed ballot for accuracy.*
- (3) *Nothing in this section shall give rise to a legal cause of action.*
- (4)(2) *In case any elector, after entering the voting booth, shall ask for further instructions concerning the manner of voting, two election*

officers who are not both members of the same political party, if present, or, if not, two election officers who are members of the same political party, shall give such instructions to such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any elector to vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions and before the elector has voted, the officers or persons assisting the elector shall retire, and such elector shall vote in secret.

Section 53. Subsection (1) of section 101.131, Florida Statutes, is amended to read:

**101.131** Watchers at polls.—

(1) Each political party and each candidate may have one watcher in each polling room at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room to watch and observe the conduct of electors and officials. The watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. Each watcher shall be a qualified and registered elector of the county in which he or she serves. ~~During the elections the officials shall call out the names of electors loudly enough to be heard by the watchers.~~

Section 54. Section 102.014, Florida Statutes, is created to read:

**102.014** Pollworker recruitment and training.—

(1) *The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.*

(2) *A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.*

(3) *In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in section 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.*

(4) *Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:*

(a) *Each clerk shall receive four hours of training biannually when not in a general election year, and two hours of training quarterly in each general election year;*

(b) *Each inspector shall receive at least two hours of training biannually when not in a general election year, and one hour of training quarterly in each general election year.*

(c) *No clerk shall be entitled to work at the polls unless he or she has had a minimum of six hours of training.*

(d) *No inspector shall work at the polls unless he or she has had a minimum of three hours of training.*

(5) *The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall insure that the manual is available in hard copy or electronic form in every precinct in the supervisor's jurisdiction on election day. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual*

*shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems. The manual shall include, without limitation:*

(a) *Regulations governing solicitation by individuals and groups at the polling place;*

(b) *Procedures to be followed with respect to voters whose names are not on the precinct register;*

(c) *Proper operation of the voting system;*

(d) *Ballot handling procedures;*

(e) *Procedures governing spoiled ballots;*

(f) *Procedures to be followed after the polls close;*

(g) *Rights of voters at the polls;*

(h) *Procedures for handling emergency situations;*

(i) *Procedures for dealing with irate voters;*

(j) *The handling and processing of provisional ballots; and*

(k) *Security procedures.*

*The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and pollworkers at the precincts.*

(6) *State, county, and municipal workers who volunteer to serve as clerks and inspectors and whose jobs are not of an emergency nature may work at the polls, as needed, in lieu of their normal work.*

(7) *Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.*

Section 55. Subsections (8) and (9) of section 102.012, Florida Statutes, are repealed.

Section 56. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

**102.021** Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the poll worker training required by s. ~~102.014~~ ~~102.012(8)~~.

Section 57. Subsection (1) of section 97.073, Florida Statutes, is amended to read:

**97.073** Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A registration identification card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that notice must instruct the applicant supply the missing information in writing and sign a statement that the additional information is true and correct to complete another voter registration application, which the supervisor must provide. A notice of denial must inform the applicant of the reason the application was denied.

Section 58. Subsection (1) of section 98.015, Florida Statutes, is amended to read:

**98.015** Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(1) A supervisor of elections shall be elected *in a nonpartisan election* in each county at the general election in each year the number of which is a multiple of four for a 4-year term commencing on the first Tuesday after the first Monday in January succeeding his or her election. Each supervisor shall, before performing any of his or her duties, take the oath prescribed in s. 5, Art. II of the State Constitution.

Section 59. Subsection (3), paragraph (a) of subsection (4), and paragraph (a) of subsection (5) of section 105.031, Florida Statutes, are amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(3) QUALIFYING FEE.—Each candidate qualifying for election to a judicial office, *the office of supervisor of elections*, or the office of school board member, except write-in judicial candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify by the alternative method. The amount of the filing fee is 3 percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The Department of State shall forward all filing fees to the Department of Revenue for deposit in the Elections Commission Trust Fund. The supervisor of elections shall forward all filing fees to the Elections Commission Trust Fund. The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

(4) CANDIDATE'S OATH.—

(a) All candidates for *the office of supervisor of elections* or the office of school board member shall subscribe to the oath as prescribed in s. 99.021.

(5) ITEMS REQUIRED TO BE FILED.—

(a) In order for a candidate for judicial office, *the office of supervisor of elections*, or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. Except for candidates for retention to judicial office, a properly executed check drawn upon the candidate's campaign account in an amount not less than the fee required by subsection (3) or, in lieu thereof, the copy of the notice of obtaining ballot position pursuant to s. 105.035. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by subsection (4), which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021. In addition, each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of the Florida Code of Judicial Conduct. Such statement shall be in substantially the following form:

Statement of Candidate for Judicial Office

I, (name of candidate), a judicial candidate, have received, read, and understand the requirements of the Florida Code of Judicial Conduct.

(Signature of candidate)

(Date)

5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable.

Section 60. Section 105.035, Florida Statutes, is amended to read:

105.035 Alternative method of qualifying for certain judicial offices, *the office of supervisor of elections*, and the office of school board member.—

(1) A person seeking to qualify for election to the office of circuit judge or county court judge, *the office of supervisor of elections*, or the office of school board member may qualify for election to such office by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. Such oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The form of such oath shall be prescribed by the Division of Elections. No signatures shall be obtained until the person has filed the oath prescribed in this subsection.

(2) Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with a petition format prescribed by the Division of Elections to be used by the candidate to reproduce petitions for circulation. If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate's petition must indicate, prior to the obtaining of registered electors' signatures, for which group or district office the candidate is running.

(3) Each candidate for election to a judicial office, *the office of supervisor of elections*, or the office of school board member shall obtain the signature of a number of qualified electors equal to at least 1 percent of the total number of registered electors of the district, circuit, county, or other geographic entity represented by the office sought as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself or herself of the provisions of this section.

(4)(a) Each candidate seeking to qualify for election to the office of circuit judge or the office of school board member from a multicounty school district pursuant to this section shall file a separate petition from each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of that county and of the geographic area represented by the office sought. Prior to the first date for qualifying, the supervisor shall certify the number shown as registered electors and submit such certification to the Division of Elections. The division shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the Division of Elections. Upon receipt of the copy of such notice and qualifying papers, the division shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

(b) Each candidate seeking to qualify for election to the office of county court judge, *the office of supervisor of elections*, or the office of school board member from a single county school district pursuant to this section shall submit his or her petition, prior to noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the county and of the geographic area represented by the office sought. Prior to the first date for qualifying, the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has

been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the qualifying officer. Upon receipt of the copy of such notice and qualifying papers, such candidate shall be entitled to have his or her name printed on the ballot.

Section 61. Subsection (4) of section 105.041, Florida Statutes, is amended to read:

105.041 Form of ballot.—

(4) WRITE-IN CANDIDATES.—Space shall be made available on the general election ballot for an elector to write in the name of a write-in candidate for judge of a circuit court or county court, *supervisor of elections*, or member of a school board if a candidate has qualified as a write-in candidate for such office pursuant to s. 105.031. This subsection shall not apply to the offices of justices and judges seeking retention.

Section 62. Paragraph (a) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election or retention to office.—

(1) ELECTION.—In circuits and counties holding elections:

(a) The name of an unopposed candidate for the office of circuit judge, county court judge, *supervisor of elections*, or member of a school board shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general election.

Section 63. Subsection (3) is added to section 105.061, Florida Statutes, to read:

105.061 Electors qualified to vote.—

(3) *The election of the supervisor of elections shall be by vote of the qualified electors of the county.*

Section 64. Subsection (1) of section 105.08, Florida Statutes, is amended to read:

105.08 Campaign contribution and expense; reporting.—

(1) A candidate for judicial office, *the office of supervisor of elections*, or the office of school board member may accept contributions and may incur only such expenses as are authorized by law. Each such candidate shall keep an accurate record of his or her contributions and expenses, and shall file reports pursuant to chapter 106.

Section 65. *Sections 100.091 and 100.096, Florida Statutes, are repealed.*

Section 66. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration books are closed for an election, voter registration and party changes must be accepted but only for the purpose of subsequent elections. ~~However, party changes received between the book closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.~~

Section 67. Subsection (3) of section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. ~~However, a registration identification card indicating a party affiliation change made between the book closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.~~

Section 68. Subsection (3) of section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, ~~subject to the issuance restriction in s. 97.071(3).~~

Section 69. Section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from registration books; ~~restrictions on re-registering~~; recordkeeping; restoration of erroneously or illegally removed names.—

~~(1) Any person who requested that his or her name be removed from the registration books between the book closing date of the first primary and the date of the second primary may not register in a different political party until after the date of the second primary election.~~

(1)(2) When the name of any elector is removed from the registration books pursuant to s. 98.065, s. 98.075, or s. 98.093, the elector's original registration form shall be filed alphabetically in the office of the supervisor. As alternatives, registrations removed from the registration books may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department.

(2)(3) When the name of any elector has been erroneously or illegally removed from the registration books, the name of the elector shall be restored by the supervisor upon satisfactory proof, even though the registration period for that election is closed.

Section 70. Subsections (1), (2), and (8) of section 99.061, Florida Statutes, are amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the ~~first~~ primary election, but not later than noon of the 116th day prior to the date of the ~~first~~ primary election, for persons seeking to qualify for nomination or election to federal office; and noon of the 50th day prior to the ~~first~~ primary election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 50th day prior to the ~~first~~ primary election or special district election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election or special district election. However, if a special district election is held at the same time as the ~~second primary~~ or general election, qualifying shall be the 50th day prior to the ~~first~~ primary election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the

amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(8) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportsions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 57th day prior to the ~~first~~ primary election, but not later than noon of the 53rd day prior to the ~~first~~ primary election.

Section 71. Subsections (1), (2), and (4) of section 99.063, Florida Statutes, are amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

(1) No later than 5 p.m. of the ~~9th~~ ~~6th~~ day following the ~~second~~ primary election, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(2) No later than 5 p.m. of the ~~9th~~ ~~6th~~ day following the ~~second~~ primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, duly acknowledged.

(b) The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

(c) If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

(d) The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution.

(4) In order to have the name of the candidate for Lieutenant Governor printed on the ~~first or second~~ primary election ballot, a candidate for Governor participating in the primary must designate the candidate for Lieutenant Governor, and the designated candidate must qualify no later than the end of the qualifying period specified in s. 99.061. If the candidate for Lieutenant Governor has not been designated and has not qualified by the end of the qualifying period specified in s. 99.061, the phrase "Not Yet Designated" must be included in lieu of the candidate's name on ~~the primary election ballot~~ ~~ballots and on advance absentee ballots for the general election.~~

Section 72. Subsection (1) of section 99.095, Florida Statutes, is amended to read:

99.095 Alternative method of qualifying.—

(1) A person seeking to qualify for nomination to any office may qualify to have his or her name placed on the ballot for the ~~first~~ primary election by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee or party assessment required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate in his or her oath for which group or district office he or she is running. The oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the ~~first~~ primary election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The Department of State shall prescribe the form to be used in administering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until the candidate has filed the oath required in this section. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election and the petition does not indicate the group or district office for which the person is running, the signatures obtained on such petition will not be counted.

Section 73. Section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the ~~first~~ primary election in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less an amount equal to 15 percent of the filing fees, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, less the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the ~~first~~ primary election.

Section 74. Section 100.061, Florida Statutes, is amended to read:

100.061 ~~First Primary election.~~—In each year in which a general election is held, a ~~first~~ primary election for nomination of candidates of political parties shall be held on the ~~second Tuesday following the first Monday in September 9 weeks prior to the general election.~~ ~~The~~ Each candidate receiving ~~the highest number a majority of the~~ votes cast in each contest in the ~~first~~ primary election shall be declared nominated for such office. ~~If two or more candidates receive an equal and highest number of votes for the same office, such candidates shall draw lots to determine who shall receive the nomination. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive a majority.~~

Section 75. Section 100.081, Florida Statutes, is amended to read:

100.081 ~~Conducting primary elections;~~ Nomination of county commissioners ~~at primary election.~~—The primary election elections shall provide for the nomination of county commissioners by the qualified electors of such county at the time and place set for voting on other county officers.

Section 76. Paragraph (c) of subsection (1), subsection (3), and paragraph (a) of subsection (4) of section 100.111, Florida Statutes, are amended to read:

100.111 Filling vacancy.—

(1)

(c) If such a vacancy occurs prior to the ~~first~~ primary election but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for the unexpired portion of the term of such office. Any person seeking nomination or election to the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit party nominations to be made in conjunction with the ~~first and second~~ primary election elections, the Governor may call a special primary election, and, if necessary, a ~~second special primary election,~~ to select party nominees for the unexpired portion of such term.

(3) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101(1)-(4), the Governor, after consultation with the Secretary of State, shall fix the ~~dates~~ ~~date~~ of a special ~~first~~ primary election, ~~a special second primary election,~~ and a special election. Nominees of political parties other than minor political parties shall be chosen under the primary laws of this state in the special primary election elections to become candidates in the special election. Prior to setting the special election ~~date~~ dates, the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held. The dates fixed by the Governor shall be specific days

certain and shall not be established by the happening of a condition or stated in the alternative. The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for ~~the any~~ special primary and for the special election to coincide with the dates of the ~~first and second~~ primary election and general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

(a) The dates for candidates to qualify in such special election or special primary election shall be fixed by the Department of State, and candidates shall qualify not later than noon of the last day so fixed. The dates fixed for qualifying shall allow a minimum of 14 days between the last day of qualifying and the special ~~first~~ primary election.

(b) The filing of campaign expense statements by candidates in such special elections or special primaries and by committees making contributions or expenditures to influence the results of such special primaries or special elections shall be not later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.

(c) The dates for a candidate to qualify by the alternative method in such special primary or special election shall be fixed by the Department of State. In fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations. Any candidate seeking to qualify by the alternative method in a special primary election shall obtain 25 percent of the signatures required by s. 99.095, s. 99.0955, or s. 99.096, as applicable.

(d) The qualifying fees and party assessments of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.

(e) Each county canvassing board shall make as speedy a return of the result of such *special primary elections and special elections and primaries* as time will permit, and the Elections Canvassing Commission likewise shall make as speedy a canvass and declaration of the nominees as time will permit.

(4)(a) In the event that death, resignation, withdrawal, removal, or any other cause or event should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the Governor shall, after conferring with the Secretary of State, call a special primary election and, if necessary, a second special primary election to select for such office a nominee of such political party. The dates on which candidates may qualify for such special primary election shall be fixed by the Department of State, and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in special *primary elections primaries* shall not be later than such dates as shall be fixed by the Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. Each county canvassing board shall make as speedy a return of the results of such *special primary elections primaries* as time will permit, and the Elections Canvassing Commission shall likewise make as speedy a canvass and declaration of the nominees as time will permit.

Section 77. Subsection (2) of section 100.141, Florida Statutes, is amended to read:

100.141 Notice of special election to fill any vacancy in office or nomination.—

(2) The Department of State shall prepare a notice stating what offices and vacancies are to be filled in the special election, the ~~dates date~~ set for *the each* special primary election and the special election, the dates fixed for qualifying for office, the dates fixed for qualifying by the alternative method, and the dates fixed for filing campaign expense statements.

Section 78. Subsection (2) of section 101.252, Florida Statutes, is amended to read:

101.252 Candidates entitled to have names printed on certain ballots; exception.—

(2) Any candidate for party executive committee member who has qualified as prescribed by law is entitled to have his or her name printed on the ~~first~~ primary election ballot. However, when there is only one candidate of any political party qualified for such an office, the name of the candidate shall not be printed on the ~~first~~ primary election ballot, and such candidate shall be declared elected to the state or county executive committee.

Section 79. Paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the ~~first~~ primary election and *not fewer than 45 days before the general election*, mail an absentee ballot. ~~Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in s. 99.063(4), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.~~

Section 80. Subsection (7) of section 102.168, Florida Statutes, is amended to read:

102.168 Contest of election.—

(7) Any candidate, qualified elector, or taxpayer presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any ~~succeeding primary or~~ other election.

Section 81. Subsection (3) and paragraph (b) of subsection (4) of section 103.021, Florida Statutes, are amended to read:

103.021 Nomination for presidential electors.—Candidates for presidential electors shall be nominated in the following manner:

(3) Candidates for President and Vice President with no party affiliation may have their names printed on the general election ballots if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the

date of the ~~first~~ primary *election*, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as party candidates.

(4)

(b) A minor party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States may have the names of its candidates for President and Vice President printed on the general election ballot if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisors of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the ~~first~~ primary *election*, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State, which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

Section 82. Section 103.022, Florida Statutes, is amended to read:

103.022 Write-in candidates for President and Vice President.—Persons seeking to qualify for election as write-in candidates for President and Vice President of the United States may have a blank space provided on the general election ballot for their names to be written in by filing an oath with the Department of State at any time after the 57th day, but before noon of the 49th day, prior to the date of the ~~first~~ primary election in the year in which a presidential election is held. The Department of State shall prescribe the form to be used in administering the oath. The candidates shall file with the department a certificate naming the required number of persons to serve as electors. Such write-in candidates shall not be entitled to have their names on the ballot.

Section 83. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the ~~first~~ primary election in each year a presidential election is held. The terms shall commence on the first day of the month following each presidential general election; but the names of candidates for political party offices shall not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not earlier than noon of the 57th day, or later than noon of the 53rd day, preceding the ~~first~~ primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 84. Subsection (1) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(1) TIME OF QUALIFYING.—Except for candidates for judicial office, nonpartisan candidates for multicounty office shall qualify with the Division of Elections of the Department of State and nonpartisan candidates for countywide or less than countywide office shall qualify with the supervisor of elections. Candidates for judicial office other than the office of county court judge shall qualify with the Division of Elections of the Department of State, and candidates for the office of county court judge shall qualify with the supervisor of elections of the county. Candidates shall qualify no earlier than noon of the 50th day, and no later than noon of the 46th day, before the ~~first~~ primary election. Filing shall be on forms provided for that purpose by the Division of Elections and furnished by the appropriate qualifying officer. Any person seeking to qualify by the alternative method, as set forth in s. 105.035, if the person has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he or she is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.

Section 85. Subsection (1) and paragraph (b) of subsection (2) of section 105.041, Florida Statutes, are amended to read:

105.041 Form of ballot.—

(1) BALLOTS.—The names of candidates for ~~nonpartisan judicial office and candidates for the office of school board member~~ which appear on the ballot at the ~~first~~ primary election shall either be grouped together on a separate portion of the ballot or on a separate ballot. The names of candidates for election to ~~nonpartisan judicial office and candidates for the office of school board member~~ which appear on the ballot at the general election and the names of justices and judges seeking retention to office shall be grouped together on a separate portion of the general election ballot.

(2) LISTING OF CANDIDATES.—

(b)1. The names of candidates for the office of circuit judge shall be listed on the ~~first~~ primary *election* ballot in the order determined by lot conducted by the director of the Division of Elections of the Department of State after the close of the qualifying period.

2. Candidates who have secured a position on the general election ballot, after having survived elimination at the ~~first~~ primary *election*, shall have their names listed in the same order as on the ~~first~~ primary *election* ballot, notwithstanding the elimination of any intervening names as a result of the ~~first~~ primary *election*.

Section 86. Paragraph (b) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election or retention to office.—

(1) ELECTION.—In circuits and counties holding elections:

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the ~~first~~ primary election. If any candidate for such office receives a majority of the votes cast for such office in the ~~first~~ primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the ~~first~~ primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

Section 87. Paragraphs (a) and (b) of subsection (1) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) Except as provided in paragraph (b), following the last day of qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the ~~first primary election~~ and on the 46th, 32nd, 18th, and 4th days immediately preceding the ~~second primary and general election~~, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the ~~first primary election and general elections~~, and on the 4th, 11th, 18th, and 25th, 32nd, 39th, 46th, and 53rd days prior to the ~~general election second primary~~.

Section 88. Paragraph (c) of subsection (1) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)

(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the ~~first primary election, second primary, and the general election~~ are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election. ~~With respect to candidates in a circuit holding an election for circuit judge or in a county holding an election for county court judge, there are only two elections, which are the first primary election and general election.~~

Section 89. Subsection (1) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding ~~both the first primary election, the second primary election, and the general election~~. Each state executive committee shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3). No separate fine shall be assessed for failure to file a copy of any report required by this section.

Section 90. Subsection (6) is added to section 236.25, Florida Statutes, to read:

236.25 District school tax.—

(6) *In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational*

*purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to ss. 236.31 and 236.32. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year.*

Section 91. Section 236.31, Florida Statutes, is amended to read:

236.31 District millage elections.—

(1) The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) *The school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 236.25(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.*

Section 92. Section 236.32, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 236.32, F.S., for present text.)

236.32 Procedures for holding and conducting school district millage elections.—

(1) *HOLDING ELECTIONS.—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.*

(2) *FORM OF BALLOT.—*

(a) *The school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.*

(b) *The school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.*

(3) *QUALIFICATION OF ELECTORS.—All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.*

(4) *RESULTS OF ELECTION.—When the school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.*

(5) *EXPENSES OF ELECTION.—The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the school board.*

Section 93. Subsection (5) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) Ten thousand dollars, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) Five thousand dollars, for a candidate for multicounty office.

(c) ~~Five thousand~~ ~~Two thousand five hundred~~ dollars multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) One thousand dollars multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) Six thousand dollars, for a candidate for retention as a justice of the Supreme Court.

(f) Three thousand dollars, for a candidate for retention as a judge of a district court of appeal.

(g) One thousand five hundred dollars, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member, personal taxes payable on office account funds by the candidate or elected public official, or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

Section 94. Subsection (3) of section 106.15, Florida Statutes, is amended to read:

106.15 Certain acts prohibited.—

(3) ~~A No~~ candidate ~~may not shall~~, in the furtherance of his or her candidacy for nomination or election to public office in any election, use the services of any officer or employee of the ~~government state~~ during working hours.

Section 95. Effective upon the effective date of the amendment to the State Constitution proposed in Senate Joint Resolution 434 or another amendment to the State Constitution that authorizes, or removes impediments to, the enactment of this section by the Legislature, paragraph (b) of subsection (2) of section 97.041, Florida Statutes, is amended to read:

97.041 Qualifications to register or vote.—

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(b) A person who has been convicted of any felony by any court of record; *however, such a person's right to register or vote is automatically restored by operation of law, for persons convicted of a forcible felony as defined in s. 776.08, 5 years after completion and satisfaction of all sentences imposed upon such person or, for all other felons, 1 year after completion and satisfaction of all sentences imposed upon such person. For the purposes of this paragraph, "completion and satisfaction of all*

*sentences" occurs when a person is released from incarceration upon expiration of sentence and has paid all court costs and court-ordered restitution and has achieved or completed all other nonmonetary terms and conditions of the sentence or subsequent supervision or, if the person has not been incarcerated for the felony offense, has paid all court costs and court-ordered restitution and has achieved or completed all non-monetary terms and conditions of community supervision imposed by a court and who has not had his or her right to vote restored pursuant to law. If a majority of the Board of Executive Clemency objects before the automatic restoration of the right to register or vote, such rights shall be restored only upon application to, and approval by, the Board of Executive Clemency.*

Section 96. Effective upon the effective date of the amendment to the State Constitution proposed in Senate Joint Resolution 434 or another amendment to the State Constitution that authorizes, or removes impediments to, the enactment of this section by the Legislature, subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) Full name.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) County of legal residence.

(f) Address of property for which the applicant has been granted a homestead exemption, if any.

(g) Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not Hispanic.

4. White, not Hispanic.

5. Hispanic.

(h) Sex.

(i) Party affiliation.

(j) Whether the applicant needs assistance in voting.

(k) Name and address where last registered.

(l) Last four digits of the applicant's social security number.

(m) Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n) Telephone number (optional).

(o) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(p) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

(q) Whether the applicant is a citizen of the United States.

(r) That the applicant has not been convicted of a felony or, if convicted, has had his or her *voting* ~~civil~~ rights restored.

(s) That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form must be in plain language and designed so that convicted felons whose voting civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

Section 97. Effective upon the effective date of the amendment to the State Constitution proposed in Senate Joint Resolution 434 or another amendment to the State Constitution that authorizes, or removes impediments to, the enactment of this section by the Legislature, paragraph (a) of subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. An indication that the applicant is a citizen of the United States.
5. The last four digits of the applicant's social security number.
6. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her voting civil rights restored.
7. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.
8. Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 98. (1) *Effective July 1, 2001, the sum of \$2 million is appropriated from the General Revenue Fund to the Department of State for the purpose of providing a statewide voter registration database. From the funds appropriated, the department may contract with the Florida Association of Court Clerks to analyze, design, develop, operate, and maintain a statewide, on-line voter registration database and associated web site, to be available statewide by June 1, 2002. The database shall contain voter registration information from each of the 67 supervisors of elections in this state, and shall be accessible through an Internet web site. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:*

- (a) *The voter is deceased;*
- (b) *The voter has been convicted of a felony and has not had his or her civil rights restored; or*
- (c) *The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.*

*The database shall also allow for duplicate voter registrations to be identified.*

(2) *The Department of State shall not contract with any private entity other than the Florida Association of Court Clerks for the operation or maintenance of the statewide voter registration database.*

(3) *To the maximum extent feasible, state and local government entities shall facilitate provision of information and access to data to the Florida Association of Court Clerks in order to compare information in the statewide voter registration database with available information in other computer databases, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local governmental agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.*

(4) *The Division of Elections shall provide written quarterly progress reports on each phase of development of the voter registration database to the President of the Senate and the Speaker of the House of Representa-*

*tives beginning July 1, 2001, and continuing until the database is fully implemented.*

Section 99. *Effective June 30, 2001, section 98.0975, Florida Statutes, is repealed.*

Section 100. (1) *There is appropriated from the General Revenue Fund to the Division of Elections of the Department of State the sum of \$5,949,375 in fiscal year 2001-2002 to be distributed to the counties to fund comprehensive voter education programs and to train pollworkers as provided in this act. The Division shall divide the total amount of funds appropriated by the total number of registered voters in the state for the 2000 General Election to establish a funding level per individual voter. Each county shall receive an amount equal to the funding level per individual voter multiplied by the number of registered voters in the county, as certified by the Department of State for the 2000 General Election.*

(2) *No later than December 15, 2002, each county shall provide a report to the Division of Elections on how the funds provided in this section were used, the specific education and training programs implemented in the county, and their effectiveness. The Division shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2003, on the results of the voter education and pollworker training programs used in the state.*

Section 101. *Funds provided in the 2001-2002 General Appropriations Act for Voting Systems Assistance shall be appropriated to the Division of Elections, Department of State, to be distributed to the counties to implement the provisions of this act in the following manner:*

(1) *Counties having a population of 75,000 or fewer based on the 2000 census shall receive a total of \$7,500 per precinct based on the number of precincts as certified by the Department of State for the 2000 General Election, to be distributed in two equal installments on July 1, 2001, and July 1, 2002.*

(2) *All other counties shall receive a total of \$3,750 per precinct based on the number of precincts as certified by the Department of State for the 2000 General Election, to be distributed in two equal installments on July 1, 2001, and July 1, 2002.*

Section 102. Except as otherwise provided herein, this act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; creating the Florida Election Reform Act of 2001; amending s. 97.021, F.S.; revising definitions; amending ss. 98.471, 100.341, 100.361, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots; amending s. 101.015, F.S.; requiring the Division of Elections to review the voting systems certification standards to ensure that new technologies are available and appropriately certified for use; amending s. 101.151, F.S.; modifying specifications for ballots; requiring the Department of State to adopt rules prescribing uniform ballots; amending ss. 101.21, 101.24, 101.292, 101.341, 101.43, 101.49, 101.58, 101.71, 101.75, 104.30, 138.05, F.S.; removing provisions relating to voting machines and updating references, to conform; amending s. 101.5603, F.S.; deleting references to punchcard marking and voting devices; amending s. 101.5604, F.S.; providing for the use of precinct tabulation electronic or electromechanical voting systems in each county; amending s. 101.5606, F.S.; providing additional requirements for electronic and electromechanical voting systems; prohibiting the use of punchcard voting systems; amending s. 101.5614, F.S.; removing references to canvassing returns at central or regional locations, to conform; creating s. 101.595, F.S.; requiring supervisors of elections and the Department of State to report on overvotes and undervotes following the general election; amending s. 103.101, F.S., relating to the form of the presidential preference primary, to conform; amending s. 582.18, F.S., relating to the election of district supervisors; conforming a cross-reference; repealing ss. 100.071, 101.141, 101.181, 101.191, 101.251, 101.5609, F.S., relating to the specification and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, 102.012(7), F.S., relating to voting machines, to conform; amending s. 97.021, F.S.; revising the definitions of the terms "absent elector" and "primary election"; providing additional definitions; creating s. 101.048,

F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; clarifying the standard for counting votes on spoiled ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; changing the composition of the Elections Canvassing Commission; revising deadlines for county returns; amending s. 102.112, F.S.; revising deadlines for certification of election results; requiring the acceptance of late-filed election returns in certain circumstances; increasing the fine for filing late-filed election returns; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; modifying deadlines for submitting unofficial returns; revising requirements for an automatic machine recount; amending s. 102.166, F.S.; substantially modifying standards and procedures for manual recounts; amending s. 102.168, F.S.; revising the grounds for an election contest; creating s. 102.135, F.S.; prohibiting a member of the Elections Canvassing Commission or a member of the county canvassing board from rendering a post-election decision that may affect the outcome of any race in which the member publicly endorsed or solicited contributions; creating s. 97.0555, F.S.; providing for registration of certain military and overseas persons; requiring the Department of State to adopt rules specifying eligibility; creating s. 101.6951, F.S.; providing for a state write-in absentee ballot for overseas voters; creating s. 101.6952, F.S.; providing for absentee ballots for overseas voters; creating s. 101.697, F.S.; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; creating s. 101.698, F.S.; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S.; modifying information on absentee ballot requests; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.657, F.S., relating to voting absentee ballots; conforming provisions; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; authorizing the processing of absentee ballots through tabulations for a specified period before the election; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and a prohibition against returning more than two ballots in an election, and the penalties therefor; repealing ss. 101.647, 101.685, F.S., relating to returning absentee ballots and absentee ballot coordinators; amending s. 98.255, F.S.; providing for voter education; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; amending s. 101.131, F.S.; eliminating a requirement to call out names of voters; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012(8) and (9), relating to pollworker training, to conform; amending s. 102.021, F.S.; to correct a cross-reference; amending s. 97.073, F.S.; revising procedures to be followed when a voter registration application is incomplete; amending s. 98.015, F.S.; providing for the nonpartisan election of supervisors of elections; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items in order to qualify for election; amending s. 105.035, F.S.; providing alternative procedures for candidates for supervisor of elections to qualify for election; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections are to be elected by vote of the qualified electors of the county; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; repealing s. 100.091, F.S., to eliminate the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061, 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 102.168, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, 106.29, F.S.; revising references, to conform to the elimination of the second primary election; amending s. 236.25, F.S.; allowing certain

school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; amending s. 106.141, F.S.; increasing the amount that may be transferred to an office account; amending s. 106.15, F.S.; expanding prohibition against candidates using state employees' services during working hours to include all government employees; amending s. 97.041, F.S.; providing for automatic restoration of former felons' right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions on such automatic restoration; amending ss. 97.052, 97.053, F.S., to conform; providing an appropriation for the design of a statewide voter registration database; providing requirements for the database; repealing s. 98.0975, F.S., relating to the central voter file maintained by the Division of Elections; providing an appropriation for voter education and pollworker training; providing for the appropriation from the General Appropriations Act to be used to implement the provisions of the act; providing effective dates.

On motion by Senator Posey, further consideration of **CS for SB 1118** with pending **Amendment 1** was deferred.

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Consideration of **CS for SB 748** was deferred.

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On motion by Senator Posey—

**SB 1422**—A bill to be entitled An act relating to voter registration identification cards; eliminating the race or ethnicity designation of a voter on the card; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1422** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Smith—

**SB 1194**—A bill to be entitled An act relating to violation of the election code; amending s. 104.091, F.S.; providing that any person who conspires with another person to violate the election code or who knowingly gives aid to a person who has violated the code with intent to help such person avoid or escape detection, arrest, trial, or punishment shall be punished as if he or she had committed the violation; providing penalties; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (742254)(with title amendment)**—On page 1, line 30, after the period (.) insert: *This subsection does not apply to a member of The Florida Bar rendering legal advice to a client.*

Section 2. Subsection (4) of section 777.04, Florida Statutes, is amended to read:

777.04 Attempts, solicitation, and conspiracy.—

(4)(a) Except as otherwise provided in ss. 104.091(2), 828.125(2), 849.25(4), 893.135(5), and 921.0022, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is ranked for purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944 one level below the ranking under s. 921.0022 or s. 921.0023 of the offense attempted, solicited, or conspired to. If the criminal attempt, criminal solicitation, or criminal conspiracy is of an offense ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023, such offense is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offense attempted, solicited, or conspired to is a capital felony, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Except as otherwise provided in s. 893.135(5), if the offense attempted, solicited, or conspired to is a life felony or a felony of the first degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Except as otherwise provided in s. 104.091(2), s. 828.125(2), or s. 849.25(4), if the offense attempted, solicited, or conspired to is a:

1. Felony of the second degree;
2. Burglary that is a felony of the third degree; or
3. Felony of the third degree ranked in level 3, 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) Except as otherwise provided in s. 104.091(2), s. 849.25(4), or paragraph (d), if the offense attempted, solicited, or conspired to is a felony of the third degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(f) *Except as otherwise provided in s. 104.091(2)*, if the offense attempted, solicited, or conspired to is a misdemeanor of the first or second degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 10 and insert: violation; providing penalties; amending s. 777.04, F.S.; exempting certain violations of the Florida Election Code from provisions specifying the ranking of an offense under the Criminal Punishment Code; providing an

Senator Wasserman Schultz moved the following amendment:

**Amendment 2 (760510)(with title amendment)**—On page 1, delete line 31 and insert:

Section 2. *Effective upon this act becoming a law:*

(1) *Members of the Florida Senate are prohibited from soliciting or accepting any campaign contribution during the 60-day regular legislative session on the Senator's own behalf, on behalf of a political party, on behalf of a candidate for the Senate, or on behalf of a candidate for state office; however, a Senator may contribute to the Senator's own campaign.*

(2) *Members of the Florida House of Representatives are prohibited from soliciting or accepting any campaign contribution during the 60-day regular legislative session on the member's own behalf, on behalf of a political party, on behalf of a candidate for the House of Representatives, or on behalf of a candidate for state office; however, a member may contribute to the member's own campaign.*

(3) *Members of the Florida Cabinet are prohibited from soliciting or accepting any campaign contribution during the 60-day regular legislative session on the Cabinet member's own behalf, on behalf of a political party, or on behalf of a candidate for state office. However, a member of the Florida Cabinet may contribute to his or her own campaign.*

(4) *The Governor and Lieutenant Governor are prohibited from soliciting or accepting any campaign contribution on his or her own behalf, on behalf of a political party, or on behalf of a candidate for state office, during the 60-day regular legislative session and until all acts passed by the Legislature during the 60-day regular legislative session have been acted upon by the Governor. However, a candidate for Governor or Lieutenant Governor may contribute to his or her own campaign.*

Section 3. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

And the title is amended as follows:

On page 1, lines 10 and 11, delete those lines and insert: violation; providing penalties; prohibiting state Senators and Representatives,

Cabinet members, and the Governor and Lieutenant Governor from soliciting or accepting campaign contributions during the regular legislative session; providing effective dates.

On motion by Senator Smith, further consideration of **SB 1194** with pending **Amendment 2** was deferred.

On motion by Senator Posey—

**SJR 1426**—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution relating to approval of constitutional amendments.

—was read the second time by title.

Senator Klein moved the following amendment:

**Amendment 1 (232418)**—On page 2, delete line 4 and insert: by vote of *at least 55 percent of the electors voting on the*

**SENATOR HOLZENDORF PRESIDING**

**THE PRESIDENT PRESIDING**

Senator King moved the following substitute amendment which was adopted:

**Amendment 2 (712606)**—On page 2, delete line 4 and insert: by vote of *at least 60 percent of the electors voting on the*

The vote was:

Yeas—21

Mr. President	Diaz de la Portilla	Peaden	Sullivan
Bronson	Garcia	Posey	Villalobos
Burt	King	Pruitt	Webster
Campbell	Laurent	Sanderson	
Clary	Lee	Sebesta	
Crist	Mitchell	Smith	

Nays—17

Brown-Waite	Dyer	Latvala	Silver
Carlton	Geller	Meek	Wasserman Schultz
Constantine	Holzendorf	Miller	
Cowin	Jones	Rossin	
Dawson	Klein	Saunders	

Senator Klein moved the following amendment:

**Amendment 3 (830538)**—On page 2, line 16, delete “two-thirds” and insert: 55 percent

Senator King moved the following substitute amendment which was adopted:

**Amendment 4 (420960)**—On page 2, line 16, delete “two-thirds” and insert: 60 percent

Pursuant to Rule 4.19, **SJR 1426** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

**CS for SB 894**—A bill to be entitled An act relating to public records; creating s. 229.0055, F.S.; providing an exemption from public-records requirements for identifying information regarding applicants for the position of Commissioner of Education, president of a state university, or president of a public community college until a candidate is nominated; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

On motion by Senator Garcia, further consideration of **CS for SB 894** was deferred.

On motion by Senator Sullivan—

**CS for SB 118**—A bill to be entitled An act relating to the College Fast Start Program; creating s. 239.515, F.S.; establishing the College Fast Start Program; providing legislative intent; defining terms; providing procedures for application to participate in the program; providing guidelines for program approval; providing requirements for approved programs; requiring an advisory council to review proposals and recommend an order of priority for funding; providing membership of the advisory council; providing for funding of the program; providing methodology for competitive funding of approved programs; providing requirements for the continuation of funding for programs; requiring an interim report to the Florida Governor's Alliance for the Employment of Disabled Citizens; requiring an annual end-of-the-year report to the alliance; requiring the alliance and the Postsecondary Education Planning Commission to develop specifications and procedures for the transmission of such data; requiring the alliance to report to the Governor, the Legislature, and the Commissioner of Education annually on the effectiveness of the program; providing an effective date.

—was read the second time by title.

Senator Miller moved the following amendment:

**Amendment 1 (220972)(with title amendment)**—On page 1, line 31, insert:

Section 1. Subsection (2) of section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university is authorized to adopt rules governing the admission of students, subject to this section and rules of the Board of Regents.

(2) The minimum admission standards adopted by the Board of Regents or a state university must permit a student to earn at least 4 of the 19 credits constituting the college-preparatory curriculum required for admission as electives in any one of the following manners:

(a) Successful completion of any course identified in the Department of Education course code directory as level two or higher in one or more of the following subject areas: English, mathematics, natural science, social science, and foreign language;

(b) Successful completion of any course identified in the Department of Education course code directory as level three in the same or related disciplines;

(c) Any combination of the courses identified in paragraphs (a) and (b); or

(d) Successful completion of two credits from the courses identified in paragraph (a), plus no more than two total credits from the following categories of courses:

1. Courses identified in the Department of Education course code directory as ROTC and military training;

2. Courses identified in the Department of Education course code directory as level two in art-visual arts, dance, drama-theatre arts, language arts, ~~or~~ music, or career and technical education courses that have been determined to be equivalent to level two or level three courses in terms of rigor and relevance; or

3. Any additional courses determined to be equivalent by the Articulation Coordinating Committee.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to postsecondary admissions; amending s. 240.233, F.S.; prescribing additional courses that may be considered part of a college-preparatory curriculum; creating s. 239.515, F.S.;

#### MOTION

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

Senator Miller moved the following substitute amendment which was adopted:

**Amendment 2 (950348)(with title amendment)**—On page 1, line 31, insert:

Section 1. Subsection (2) of section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university is authorized to adopt rules governing the admission of students, subject to this section and rules of the Board of Regents.

(2) The minimum admission standards adopted by the Board of Regents or a state university must permit a student to earn at least 4 of the 19 credits constituting the college-preparatory curriculum required for admission as electives in any one of the following manners:

(a) Successful completion of any course identified in the Department of Education course code directory as level two or higher in one or more of the following subject areas: English, mathematics, natural science, social science, and foreign language;

(b) Successful completion of any course identified in the Department of Education course code directory as level three in the same or related disciplines;

(c) Any combination of the courses identified in paragraphs (a) and (b); or

(d) Successful completion of two credits from the courses identified in paragraph (a), plus no more than two total credits from the following categories of courses:

1. Courses identified in the Department of Education course code directory as ROTC and military training;

2. Courses identified in the Department of Education course code directory as level two in art-visual arts, dance, drama-theatre arts, language arts, ~~or~~ music, or career and technical education courses that have been determined to be equivalent to level two courses in terms of rigor and relevance by the Articulation Coordinating Committee; or

3. Any additional courses determined to be equivalent by the Articulation Coordinating Committee.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to postsecondary admissions; amending s. 240.233, F.S.; prescribing additional courses that may be considered part of a college-preparatory curriculum; creating s. 239.515, F.S.;

Pursuant to Rule 4.19, **CS for SB 118** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

**CS for SB 840**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual's health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 840** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

**CS for SB 2118**—A bill to be entitled An act relating to educational facilities; amending s. 847.001, F.S.; adding and revising definitions;

creating s. 847.0134, F.S.; prohibiting the location of adult entertainment establishments within a specified distance of a school; providing a criminal penalty; providing an exception; providing an effective date.

—was read the second time by title.

#### MOTION

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

Senator Crist moved the following amendment which was adopted:

**Amendment 1 (751150)(with title amendment)**—Delete every-thing after the enacting clause and insert:

Section 1. Section 847.001, Florida Statutes, is amended to read:

847.001 Definitions.—When used in this chapter:

- (1) “Adult” means a person 18 years of age or older.
- (2) “Adult entertainment establishment” means the following terms as defined:
  - (a) “Adult bookstore” means any corporation, partnership, or business of any kind which restricts or purports to restrict admission only to adults, which has as part of its stock books, magazines, other periodicals, videos, discs, or other graphic media and which offers, sells, provides, or rents for a fee any sexually oriented material.
  - (b) “Adult theater” means an enclosed building or an enclosed space within a building used for presenting either films, live plays, dances, or other performances that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities for observation by patrons, and which restricts or purports to restrict admission only to adults.
  - (c) “Unlicensed massage establishment” means any business or enterprise that offers, sells, or provides, or that holds itself out as offering, selling, or providing, massages that include bathing, physical massage, rubbing, kneading, anointing, stroking, manipulating, or other tactile stimulation of the human body by either male or female employees or attendants, by hand or by any electrical or mechanical device, on or off the premises. The term “unlicensed massage establishment” does not include an establishment licensed under s. 480.43 which routinely provides medical services by state-licensed health care practitioners and massage therapists licensed under s. 480.041.
  - (d) “Special Cabaret” means any business that features persons who engage in specific sexual activities for observation by patrons, and which restricts or purports to restrict admission only to adults.

(3)(4) “Computer” means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions and includes any data storage facility or communications facility directly related to or operating in conjunction with such device. The term also includes: any on-line service, Internet service, or local bulletin board; any electronic storage device, including a floppy disk or other magnetic storage device; or any compact disc that has read-only memory and the capacity to store audio, video, or written materials.

(4)(2) “Deviate sexual intercourse” means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(5)(3) “Harmful to minors” means that quality of any description, exhibition, presentation, or representation, in whatever form, of nudity, sexual conduct, or sexual excitement when it:

- (a) Predominantly appeals to the prurient, shameful, or morbid interest of minors;
- (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- (c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

A mother’s breastfeeding of her baby is not under any circumstance “harmful to minors.”

(6) “Masochism” means sexual gratification achieved by a person through, or the association of sexual activity with, submission or subjection to physical pain, suffering, humiliation, torture, or death.

(7)(4) “Minor” means any person under the age of 18 years.

(8)(5) “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother’s breastfeeding of her baby does not under any circumstance constitute “nudity,” irrespective of whether or not the nipple is covered during or incidental to feeding.

(9)(6) “Person” includes individuals, firms, associations, corporations, and all other groups and combinations.

(10)(7) “Obscene” means the status of material which:

- (a) The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest;
- (b) Depicts or describes, in a patently offensive way, sexual conduct as specifically defined herein; and
- (c) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

A mother’s breastfeeding of her baby is not under any circumstance “obscene.”

(11) “Sadism” means sexual gratification achieved through, or the association of sexual activity with, the infliction of physical pain, suffering, humiliation, torture, or death upon another person or an animal.

(12)(8) “Sadomasochistic abuse” means flagellation or torture by or upon a person or animal, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction, or satisfaction brought about as a result of sadistic violence, from inflicting harm on another or receiving such harm oneself.

(13)(9) “Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, “sexual battery” does not include an act done for a bona fide medical purpose.

(14)(10) “Sexual bestiality” means any sexual act, actual or simulated, between a person and an animal involving the sex organ of the one and the mouth, anus, or vagina of the other.

(15)(11) “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”

(16)(12) “Sexual excitement” means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

(17) “Sexually oriented material” means any book, article, magazine, publication, or written matter of any kind or any drawing, etching, painting, photograph, motion picture film, or sound recording that depicts sexual activity, actual or simulated, involving human beings or human beings and animals, that exhibits uncovered human genitals or the pubic region in a lewd or lascivious manner, or that exhibits human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(18)(13) “Simulated” means the explicit depiction of conduct described in subsection (15) (11) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(19) "Specific sexual activities" includes the following sexual activities and the exhibition of the following anatomical areas:

- (a) Human genitals in the state of sexual stimulation or arousal.
- (b) Acts of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or any excretory function, or representation thereof.
- (c) The fondling or erotic touching of human genitals, the pubic region, the buttocks, or the female breasts.
- (d) Less than completely and opaquely covered:
  1. Human genitals or the pubic region.
  2. Buttocks.
  3. Female breasts below the top of the areola.
  4. Human male genitals in a discernably turgid state, even if completely and opaquely covered.

Section 2. Section 847.0134, Florida Statutes, is created to read:

**847.0134 Prohibition of adult entertainment establishment that displays, sells, or distributes materials harmful to minors within 2,500 feet of a school.—**

(1) Except for those establishments that are legally operating or have been granted a permit from a local government to operate as adult entertainment establishments on or before July 1, 2001, an adult entertainment establishment that sells, rents, loans, distributes, transmits, shows, or exhibits any obscene material, as described in s. 847.0133, or presents live entertainment or a motion picture, slide, or other exhibit that, in whole or in part, depicts nudity, sexual conduct, sexual excitement, sexual battery, sexual bestiality, or sadomasochistic abuse and that is harmful to minors, as described in s. 847.001, may not be located within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location under proceedings as provided in s. 125.66(4) for counties or s. 166.041(3)(c) for municipalities.

(2) A violation of this section constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

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

And the title is amended as follows:

On page 1, line 9, insert:

WHEREAS, based upon the experience of other counties and cities, and the personal observation of the legislators in their own districts, the Legislature finds that adult entertainment establishments cause adverse effects in and around these establishments, and

WHEREAS, relevant studies demonstrate a significant increase in crime in areas where adult entertainment establishments are located, and

WHEREAS, the United States Supreme Court has recognized the adverse secondary effects caused by adult entertainment establishments in *Renton v. Playtime Theatres*, 475 U.S. 41 (1986) and *Eric v. Pap's*, 529 U.S. 277 (2000); and

WHEREAS, prohibiting adult entertainment establishments that show or exhibit material obscene or harmful to minors near public or private elementary, middle, or secondary schools will protect minors from the adverse effects of the activities that accompany such establishments, and

WHEREAS, the Legislature does not intend to impinge on the rights of free speech by limiting the location of these establishments away from schools where minors will be present, NOW, THEREFORE,

Pursuant to Rule 4.19, **CS for SB 2118** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**CS for SB 890**—A bill to be entitled An act relating to mortgages; amending s. 697.07, F.S.; providing that rents in the control of a mortgagor are subject to assignment of rents; correcting provisions relating to assignment of rents; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney's fees are reasonable are not necessary under certain conditions; providing that attorney's fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney's fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

**Amendment 1 (843552)**—On page 5, line 13, after the period (.) insert: *Failure to hold the hearing within such time does not affect the validity of the order to show cause or the jurisdiction of the court to issue subsequent orders.*

Senator King moved the following amendment which was adopted:

**Amendment 2 (112900)(with title amendment)**—On page 7, between lines 27 and 28, insert:

Section 4. *Whenever a legal advertisement, publication, or notice relating to a foreclosure proceeding is required to be placed in a newspaper, it is the responsibility of the petitioner or petitioner's attorney to place such advertisement, publication, or notice. The advertisement, publication, or notice shall be placed directly by the attorney for the petitioner, by the petitioner if acting pro se, or by the clerk of the court.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: *providing that the petitioner or petitioner's attorney is responsible for placing the legal advertisement, publication, or notice of a foreclosure proceeding;*

Pursuant to Rule 4.19, **CS for SB 890** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

**CS for SB 658**—A bill to be entitled An act relating to surplus lines insurance; amending ss. 626.916, 626.918, 626.921, 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department of Insurance; revising limits on fees that may be charged with respect to certain policies certified for export; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing an effective date.

—was read the second time by title.

Senators Holzendorf and Pruitt offered the following amendment which was moved by Senator Pruitt:

**Amendment 1 (360272)(with title amendment)**—On page 13, lines 6 and 7, delete those lines and insert:

Section 13. Subsection (14) of section 624.610, Florida Statutes, is amended to read:

624.610 Reinsurance.—

(14) The department may adopt rules implementing the provisions of this section. Rules are authorized to protect the interests of insureds,

claimants, ceding insurers, assuming insurers, and the public. These rules shall be in substantial compliance with:

(a) The National Association of Insurance Commissioners model regulations relating to credit for reinsurance;

(b) Version 2001 ~~1999~~ of the National Association of Insurance Commissioners Accounting Practices and Procedures Manual; and

(c) The National Association of Insurance Commissioners model regulation for Credit for Reinsurance and Life and Health Reinsurance Agreements.

The department may further adopt rules to provide for transition from existing requirements for the approval of reinsurers to the accreditation of reinsurers pursuant to this section.

Section 14. Section 625.011, Florida Statutes, is created to read:

*625.011 Definitions.—As used in this chapter, the term “statutory accounting principles” means accounting principles as defined in the National Association of Insurance Commissioners Accounting Practices and Procedures Manual effective January 1, 2001.*

Section 15. Subsections (1) and (11) of section 625.012, Florida Statutes, are amended, present subsection (12) of that section is redesignated as subsection (16), and new subsections (12), (13), (14), and (15) are added to that section to read:

625.012 “Assets” defined.—In any determination of the financial condition of an insurer, there shall be allowed as “assets” only such assets as are owned by the insurer and which consist of:

(1) *Cash or cash equivalents, in the possession of the insurer, or in transit under its control, and including the true balance of any deposit in a solvent bank, savings and loan association, or trust company. Cash equivalents are short-term, highly liquid investments, with original maturities of 3 months or less, which are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates.*

(11) *Electronic and mechanical machines, including computer-operating software equipment and system software constituting a data processing and accounting system, if the cost of which such system is at least \$25,000, which cost shall be amortized in full over a period not to exceed 37 calendar years. The aggregate amount admitted under this subsection shall be limited to 3 percent of the insurer’s capital and surplus, adjusted to exclude any electronic data processing equipment and operating software, net deferred tax assets, and net positive goodwill, as reported on the insurer’s most recently filed annual statement.*

(12) *Goodwill arising from acquisitions and mergers occurring after January 1, 2001.*

(13) *Loans or advances by an insurer to its parent or principal owner if approved by the department.*

(14) *Current income tax recoverables.*

(15) *Capitalized interest.*

(16)(~~12~~) *Other assets, not inconsistent with the provisions of this section, deemed by the department to be available for the payment of losses and claims, at values to be determined by it.*

Section 16. Section 625.031, Florida Statutes, is amended to read:

625.031 *Assets not allowed.—In addition to assets impliedly excluded by the provisions of s. 625.012, the following expressly shall not be allowed as assets in any determination of the financial condition of an insurer:*

(1) ~~Good will~~; *Trade names, patents, agreements not to compete, and other like intangible assets.*

(2) *Advances (other than policy loans) to officers and directors, and controlling stockholders, whether secured or not, and advances to employees, agents, and other persons on personal security only.*

(3) *Stock of such insurer, owned by it, or any material equity therein or loans secured thereby, or any material proportionate interest in such*

*stock acquired or held through the ownership by such insurer of an interest in another firm, corporation, or business unit.*

(4) *Furniture, fixtures, furnishings, safes, vehicles, libraries, stationery, literature, and supplies, other than data processing and accounting systems authorized under s. 625.012(11), except in the case of title insurers such materials and plants as the insurer is expressly authorized to invest in under s. 625.330 and except, in the case of any insurer, such personal property as the insurer is permitted to hold pursuant to part II of this chapter, or which is acquired through foreclosure of chattel mortgages acquired pursuant to s. 625.329, or which is reasonably necessary for the maintenance and operation of real estate lawfully acquired and held by the insurer other than real estate used by it for home office, branch office, and similar purposes.*

(5) *The amount, if any, by which the aggregate book value of investments as carried in the ledger assets of the insurer exceeds the aggregate value thereof as determined under this code.*

(6) *Bonds, notes, or other evidences of indebtedness which are secured by mortgages or deeds of trust which are in default.*

(7) *Prepaid and deferred expenses.*

~~(8) Federal income tax refunds when a refund is not assured.~~

Section 17. Paragraph (d) of subsection (2) of section 625.041, Florida Statutes, is amended to read:

625.041 *Liabilities, in general.—In any determination of the financial condition of an insurer, liabilities to be charged against its assets shall include:*

(2) *With reference to life and health insurance and annuity contracts:*

(d) *Any additional reserves that which may be required by the department consistent with practice formulated or approved by the National Association of Insurance Commissioners or its successor organization, on account of such insurance, including contract and premium deficiency reserves.*

Section 18. Subsection (2) of section 625.141, Florida Statutes, is amended to read:

625.141 *Valuation of bonds.—*

(2) *The department shall have full discretion in determining the method of calculating values according to the rules set forth in this section, but no such method or valuation shall be inconsistent with the method formulated or approved by the National Association of Insurance Commissioners or its successor organization and set forth in the latest edition of its publication “Valuation of Securities”; provided that such valuation methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 2001 ~~1988~~ edition of such publication. Amortization of bond premium or discount must be calculated using the scientific (constant yield) interest method taking into consideration specified interest and principal provisions over the life of the bond. Bonds containing call provisions shall be amortized to the call or maturity value or date that produces the lowest asset value.*

Section 19. Section 625.161, Florida Statutes, is amended to read:

625.161 *Valuation of property.—*

(1) *Real property owned by an insurer which is reported in financial statements filed with the department shall be valued at the lower of depreciated cost or fair market value.*

(2)(~~1~~) *Real property acquired pursuant to a mortgage loan or contract for sale, in the absence of a recent appraisal deemed by the department to be reliable, shall not be valued at an amount greater than the unpaid principal and accrued interest of the defaulted loan or contract at the date of such acquisition, together with any taxes and expenses paid or incurred in connection with such acquisition, and the cost of improvements thereafter made by the insurer and any amounts thereafter paid by the insurer on assessments levied for improvements in connection with the property.*

(3)(2) Other real property held by an insurer shall not be valued at an amount in excess of fair value as determined by recent appraisal. If the valuation of *real property* is based on an appraisal more than 5 3 years old, the department may, at its discretion, call for and require a new appraisal in order to determine fair *market* value.

(4)(3) Personal property acquired pursuant to chattel mortgages made in accordance with s. 625.329 shall not be valued at an amount greater than the unpaid balance of principal and accrued interest on the defaulted loan at the date of acquisition, together with taxes and expenses incurred in connection with such acquisition, or the fair value of such property, whichever amount is the lesser.

(5)(4) In carrying out its responsibilities under this section, in the event that the department and the insurer do not agree on the value of real or personal property of such insurer, the department may retain the services of a qualified real or personal property appraiser. In the event it is subsequently determined that the insurer has overvalued assets, the department shall be reimbursed for the costs of the services of any such appraiser incurred with respect to its responsibilities under this section regarding an insurer by said insurer and any reimbursement shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

(6) Any insurer that reported real estate as of December 31, 2000, with a value in excess of that allowed by subsection (1) shall comply with the requirements of that subsection beginning January 1, 2001.

Section 20. Section 625.322, Florida Statutes, is amended to read:

625.322 Collateral loans.—An insurer may invest in loans with a maturity not in excess of 12 years from the date thereof which are secured by the pledge of *assets permitted by part I of this chapter securities eligible for investment under this chapter or by the pledge or assignment of life insurance policies issued by other insurers authorized to transact insurance in this state. On the date made, no such loan shall exceed in amount 80 percent of the market value of the collateral pledged, except that loans upon pledge of United States Government bonds and loans upon the pledge or assignment of life insurance policies shall not exceed 95 percent of the market value of the bonds or the cash surrender value of the policies pledged.* Loans made pursuant to this section shall not be *admitted as an asset when it is considered probable that any portion of the amounts due under the contractual terms of the loan will not be collected renewable beyond a period of 12 years from the date of the loan.* Collateral loans reported in financial statements filed with the department shall not exceed the value of the collateral held by the company.

Section 21. Section 641.183, Florida Statutes, is created to read:

641.183 *Statutory accounting procedures; transition provisions.*—All health maintenance organizations, authorized to do business under this chapter on January 1, 2001, shall elect a transition method for compliance with statutory accounting principles as follows:

(1) Report assets acquired prior to June 30, 2001 in accordance with s. 641.35, Florida Statutes until December 31, 2002. Assets acquired on or after June 30, 2001 shall be accounted for in accordance with the NAIC Accounting Practices and Procedures Manual effective January 1, 2001. A health maintenance organization electing to report assets pursuant to this subsection shall maintain complete and detailed records reflecting such accounting treatment.

(2) Report all assets in accordance with the NAIC Accounting Practices and Procedures Manual effective January 1, 2001.

Section 22. Subsections (16), (17), and (20) of section 641.19, Florida Statutes, are amended to read:

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

(16) "Reporting period" means the annual *calendar year* accounting period or any part thereof ~~or the fiscal year of the health maintenance organization.~~

(17) "Statutory accounting principles" means *accounting principles as defined in the National Association of Insurance Commissioners Accounting Practices and Procedures Manual effective January 1, 2001 generally accepted accounting principles, except as modified by this part.*

(20) "~~Surplus notes~~" means ~~debt which has been guaranteed by the United States Government or its agencies, or debt which has been subordinated to all claims of subscribers and general creditors of the organization.~~

Section 23. Subsections (1), (2), and (3) of section 641.35, Florida Statutes, are amended to read:

641.35 Assets, liabilities, and investments.—

(1) ASSETS.—In any determination of the financial condition of a health maintenance organization, there shall be allowed as "assets" only those assets that are owned by the health maintenance organization and ~~that which assets~~ consist of:

(a) ~~Cash or cash equivalents~~ in the possession of the health maintenance organization, or in transit under its control, including the true balance of any deposit in a solvent bank, savings and loan association, or trust company which is domiciled in the United States. ~~Cash equivalents are short-term, highly liquid investments, with original maturities of 3 months or less, which are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates.~~

(b) Investments, securities, properties, and loans acquired or held in accordance with this part, and in connection therewith the following items:

1. Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.

2. Declared and unpaid dividends on stock and shares, unless the amount of the dividends has otherwise been allowed as an asset.

3. Interest due or accrued upon a collateral loan which is not in default in an amount not to exceed 1 year's interest thereon.

4. Interest due or accrued on deposits or certificates of deposit in solvent banks, savings and loan associations, and trust companies domiciled in the United States, and interest due or accrued on other assets, if such interest is in the judgment of the department a collectible asset.

5. Interest due or accrued on current mortgage loans, in an amount not exceeding in any event the amount, if any, of the excess of the value of the property less delinquent taxes thereon over the unpaid principal; but in no event shall interest accrued for a period in excess of 90 days be allowed as an asset.

~~6. Rent due or accrued on real property if such rent is not in arrears for more than 3 months. However, in no event shall rent accrued for a period in excess of 90 days be allowed as an asset.~~

~~7. The unaccrued portion of taxes paid prior to the due date on real property.~~

(c) Premiums in the course of collection, not more than 3 months past due, less commissions payable thereon. The foregoing limitation shall not apply to premiums payable directly or indirectly by any governmental body in the United States or by any of their instrumentalities.

(d) The full amount of reinsurance recoverable from a solvent reinsurer, which reinsurance is authorized under s. 624.610.

~~(e) Furniture, fixtures, furnishings, vehicles, medical libraries, and equipment, if the original cost of each item is at least \$200, which cost shall be amortized in full over a period not to exceed 5 calendar years, unless otherwise approved by the department.~~

~~(e)(f) Pharmaceutical and medical supply inventories.~~

~~(g) The liquidation value of prepaid expenses.~~

~~(f) Goodwill created by acquisitions and mergers occurring on or after January 1, 2001.~~

~~(g) Loans or advances by a health maintenance organization to its parent or principal owner if approved by the department.~~

(h) Other assets, not inconsistent with the provisions of this section, deemed by the department to be available for the payment of losses and claims, at values to be determined by it.

The department, upon determining that a health maintenance organization's asset has not been evaluated according to applicable law or that it does not qualify as an asset, shall require the health maintenance organization to properly reevaluate the asset or replace the asset with an asset suitable to the department within 30 days of receipt of written notification by the department of this determination, if the removal of the asset from the organization's assets would impair the organization's solvency.

(2) ASSETS NOT ALLOWED.—In addition to assets impliedly excluded by the provisions of subsection (1), the following assets expressly shall not be allowed as assets in any determination of the financial condition of a health maintenance organization:

(a) ~~Goodwill~~; Subscriber lists, patents, trade names, agreements not to compete, and other like intangible assets.

(b) Any note or account receivable from or advances to officers, directors, or controlling stockholders, whether secured or not, and advances to employees, agents, or other persons on personal security only, *other than those transactions authorized under paragraph (1)(g)*.

(c) Stock of the health maintenance organization owned by it directly or owned by it through any entity in which the organization owns or controls, directly or indirectly, more than 25 percent of the ownership interest.

(d) Leasehold improvements, nonmedical libraries, stationery, literature, and nonmedical supply inventories, except that leasehold improvements made prior to October 1, 1985, shall be allowed as an asset and shall be amortized over the shortest of the following periods:

1. The life of the lease.
2. The useful life of the improvements.
3. The 3-year period following October 1, 1985.

(e) Furniture, fixtures, furnishings, vehicles, medical libraries, and equipment, ~~other than those items authorized under paragraph (1)(e)~~.

(f) Notes or other evidences of indebtedness which are secured by mortgages or deeds of trust which are in default and beyond the express period specified in the instrument for curing the default.

(g) Bonds in default for more than 60 days.

(h) ~~Deferred costs other than the liquidation value of~~ Prepaid and deferred expenses.

(i) Any note, account receivable, advance, or other evidence of indebtedness, or investment in:

1. The parent of the health maintenance organization;
2. Any entity directly or indirectly controlled by the health maintenance organization parent; or
3. An affiliate of the parent or the health maintenance organization, except as allowed in subsections (1), (11), and (12). The department may, however, allow all or a portion of such asset, at values to be determined by the department, if deemed by the department to be available for the payment of losses and claims.

(3) LIABILITIES.—In any determination of the financial condition of a health maintenance organization, liabilities to be charged against its assets shall include:

(a) The amount, estimated consistently with the provisions of this part, necessary to pay all of its unpaid losses and claims incurred for or on behalf of a subscriber, on or prior to the end of the reporting period, whether reported or unreported, *including contract and premium deficiency reserves*.

(b) The amount equal to the unearned portions of the gross premiums charged on health maintenance contracts in force.

(c) Taxes, expenses, and other obligations due or accrued at the date of the statement.

The department, upon determining that a health maintenance organization has failed to report liabilities that should have been reported, shall require a corrected report which reflects the proper liabilities to be submitted by the organization to the department within 10 working days of receipt of written notification.

Section 24. *Any quarterly or annual statement that is required to be filed after the effective date of this act shall be prepared in accordance with the provisions of this act.*

Section 25. This act shall take effect upon becoming a law and section 24 of this act shall apply retroactively to January 1, 2001.

And the title is amended as follows:

On page 1, lines 1 and 2, delete those lines and insert: A bill to be entitled An act relating to insurance; amending s. 624.610, F.S.; updating a cross-reference; creating s. 625.011, F.S.; defining the term "statutory accounting principles"; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining the financial condition of an insurer; amending s. 625.041, F.S.; revising a provision concerning liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in the valuation of real property; amending s. 625.322, F.S.; revising requirements for collateral loans; creating s. 641.183, F.S.; providing a transition selection for statutory accounting principles; amending s. 641.19, F.S.; redefining the terms "reporting period," "statutory accounting principles," "surplus," and "surplus notes" for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; redefining certain assets or liabilities in the determination of the financial condition of a health maintenance organization; providing applicability; providing a retroactive effective date.

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

**Amendment 1A (830550)**—On page 8, lines 15-22, delete those lines and insert:

*(1) Report assets acquired prior to June 30, 2001 in accordance with s. 641.35, Florida Statutes, through December 31, 2005. Assets acquired on or after June 30, 2001 shall be accounted for in accordance with the National Association of Insurance Commissioners Accounting Practices and Procedures Manual effective January 1, 2001. A health maintenance organization electing to report assets pursuant to this subsection shall maintain complete and detailed records reflecting such accounting treatment; or*

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 658** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SJR 526** was withdrawn from the Committee on Rules and Calendar.

### RECESS

On motion by Senator Lee, the Senate recessed at 12:00 noon to reconvene at 1:00 p.m.

### AFTERNOON SESSION

The Senate was called to order by the President at 1:09 p.m. A quorum present—40

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

### SPECIAL ORDER CALENDAR, continued

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

**CS for SB 1118**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; providing a definition of provisional ballot; creating s. 101.048, F.S.; providing procedures for voting and counting provisional ballots; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; amending s. 101.5614, F.S.; providing for the return of provisional ballots to the supervisor of elections; providing for the canvass of provisional ballots; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.141, F.S.; requiring the county canvassing board to provide public notice of time and place of the canvass of provisional ballots; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (831888)** by Senator Posey.

Senators Geller, Villalobos and Campbell offered the following amendment to **Amendment 1** which was moved by Senator Geller:

**Amendment 1A (655410)(with title amendment)**—On page 84, line 31 through page 106, line 20, delete those lines and insert:

Section 65. Section s. 100.061, Florida Statutes, is amended to read:

100.061 First primary election.—In each year in which a general election is held, a first primary election for nomination of candidates of political parties shall be held on the Tuesday 9 weeks prior to the general election. Each candidate receiving a majority or a plurality of at least 35 percent of the votes cast in each contest in the first primary election shall be declared nominated for such office. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive such a majority or plurality.

Section 66. Section 100.091, Florida Statutes, is amended to read:

100.091 Second primary election.—

(1) In each year in which a general election is held, a second primary election for nomination of candidates of political parties where nominations were not made in the first primary election shall be held on the Tuesday 5 weeks prior to the general election.

(2) The names of the candidates placing first and second in the first primary election shall be placed on the ballot in the second primary election for each contest in which no candidate was declared to be nominated pursuant to s. 100.061 receives a majority of the votes cast in the first primary election, subject to the following exceptions:

(a) In any contest in which there is a tie for first place in the first primary election, only the names of the candidates so tying shall be placed on the ballot in the second primary election.

(b) In any contest in which there is a tie for second place in the first primary election and the candidate placing first was not declared to be nominated pursuant to s. 100.061 did not receive a majority of the votes cast, the name of the candidate placing first and the names of the candidates tying for second shall be placed on the ballot in the second primary election.

(3) The candidate who receives the highest number of votes cast for the office in the second primary election shall be declared nominated. In case two or more persons receive an equal and highest number of votes

for the same office in the second primary, such persons shall draw lots to determine who will receive the nomination.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 123, lines 3-21, delete those lines and insert: amending ss. 100.61, 100.091, F.S.; amending requirements for primary elections; amending s. 236.25, F.S.;

Senators Silver and Diaz de la Portilla offered the following substitute amendment for **Amendment 1A** which was moved by Senator Diaz de la Portilla and failed:

**Amendment 1B (534604)(with title amendment)**—On page 84, line 31 through page 106, line 20, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 123, lines 3-21, delete those lines and insert: amending s. 236.25, F.S.;

The question recurred on **Amendment 1A** which failed.

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

**Amendment 1C (310552)(with title amendment)**—On page 117, between lines 21 and 22, insert:

Section 102. *Effective upon this act becoming a law, the Department of State—The Division of Elections, in conjunction with the Florida State Association of Supervisors of Elections, shall, from existing funds, study the benefits and drawbacks of having uniform poll opening and closing times throughout the state. A written report shall be presented to the the President of the Senate and the Speaker of the House of Representatives no later than January 1, 2002. This report must include, but is not limited to a discussion of the circumstances surrounding the 2000 Presidential election; changing the state to one time zone; changing polling times to coincide in both time zones; and having the Central Time Zone not recognize Daylight Savings Time.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 124, line 20, after the semicolon (;) insert: providing for study of elections process in multiple time zones;

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1118** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**SB 1194**—A bill to be entitled An act relating to violation of the election code; amending s. 104.091, F.S.; providing that any person who conspires with another person to violate the election code or who knowingly gives aid to a person who has violated the code with intent to help such person avoid or escape detection, arrest, trial, or punishment shall be punished as if he or she had committed the violation; providing penalties; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (760510)** by Senator Wasserman Schultz was withdrawn.

Pursuant to Rule 4.19, **SB 1194** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

### SENATOR DIAZ de la PORTILLA PRESIDING

On motion by Senator Sebesta—

**SB 1170**—A bill to be entitled An act relating to driver's license suspension or revocation; amending s. 322.056, F.S.; providing an exception

to mandatory revocation or suspension of a juvenile's driver's license under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1170** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

**CS for CS for SB 1282**—A bill to be entitled An act relating to property crimes; amending s. 812.014, F.S.; providing second-degree-felony penalties for theft of certain emergency medical equipment; amending s. 812.015, F.S.; redefining the term “retail theft” to include theft of property and altering or removing a universal product code; redefining the term “antishoplifting or inventory control device” to include electronic or digital imaging or film used for security purposes and cash register receipts; redefining the term “antishoplifting or inventory control device countermeasure” to include any item or device used to defeat an antishoplifting or inventory control device; authorizing a merchant or merchant’s employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; increasing the penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing that it is a third-degree felony to commit certain types of retail theft; creating s. 812.0155, F.S.; authorizing the court to order that a person’s driver’s license be suspended following an adjudication of guilt for certain misdemeanor violations involving theft; requiring that the court order that a person’s driver’s license be suspended following a second or subsequent adjudication of guilt for certain misdemeanor violations involving theft; providing for an increased period of suspension for a second or subsequent adjudication; authorizing the court to revoke, suspend, or withhold issuance of a minor’s driver’s license as an alternative to certain other sanctions; creating s. 812.017, F.S.; providing penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; prohibiting the use of a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of the authorized user of the payment card and with intent to defraud certain individuals or entities; prohibiting the use of a reencoder to place information onto a payment card without the permission of the authorized user of the payment card and with intent to defraud certain individuals or entities; providing a penalty; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to a second conviction of uttering forged bills, to incorporate the amendment to s. 831.09, F.S., in references thereto; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; prohibiting the counterfeiting of payment instruments with intent to defraud; prohibiting the possession of a counterfeit payment instrument; providing penalties; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S., relating to worthless checks, drafts, or debit card orders; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition and operation of such a task force; providing for severability; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

**Amendment 1 (105400)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 812.012, Florida Statutes, is amended to read:

812.012 Definitions.—As used in ss. 812.012-812.037:

(1) “Cargo” means partial or entire shipments, containers, or cartons of property which are contained in or on a trailer, motortruck, aircraft, vessel, warehouse, freight station, freight consolidation facility, or air navigation facility.

(2)(4) “Dealer in property” means any person in the business of buying and selling property.

(3)(2) “Obtains or uses” means any manner of:

- (a) Taking or exercising control over property.
- (b) Making any unauthorized use, disposition, or transfer of property.
- (c) Obtaining property by fraud, willful misrepresentation of a future act, or false promise.

(d)1. Conduct previously known as stealing; larceny; purloining; abstracting; embezzlement; misapplication; misappropriation; conversion; or obtaining money or property by false pretenses, fraud, or deception; or

2. Other conduct similar in nature.

(4)(3) “Property” means anything of value, and includes:

- (a) Real property, including things growing on, affixed to, and found in land.
- (b) Tangible or intangible personal property, including rights, privileges, interests, and claims.
- (c) Services.

(5)(4) “Property of another” means property in which a person has an interest upon which another person is not privileged to infringe without consent, whether or not the other person also has an interest in the property.

(6)(5) “Services” means anything of value resulting from a person’s physical or mental labor or skill, or from the use, possession, or presence of property, and includes:

- (a) Repairs or improvements to property.
- (b) Professional services.
- (c) Private, public, or government communication, transportation, power, water, or sanitation services.
- (d) Lodging accommodations.
- (e) Admissions to places of exhibition or entertainment.

(7)(6) “Stolen property” means property that has been the subject of any criminally wrongful taking.

(8)(7) “Traffic” means:

- (a) To sell, transfer, distribute, dispense, or otherwise dispose of property.
- (b) To buy, receive, possess, obtain control of, or use property with the intent to sell, transfer, distribute, dispense, or otherwise dispose of such property.

(9)(8) “Enterprise” means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity.

(10)(9) “Value” means value determined according to any of the following:

- (a)1. Value means the market value of the property at the time and place of the offense or, if such cannot be satisfactorily ascertained, the

cost of replacement of the property within a reasonable time after the offense.

2. The value of a written instrument that does not have a readily ascertainable market value, in the case of an instrument such as a check, draft, or promissory note, is the amount due or collectible or is, in the case of any other instrument which creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation, the greatest amount of economic loss that the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

3. The value of a trade secret that does not have a readily ascertainable market value is any reasonable value representing the damage to the owner, suffered by reason of losing an advantage over those who do not know of or use the trade secret.

(b) If the value of property cannot be ascertained, the trier of fact may find the value to be not less than a certain amount; if no such minimum value can be ascertained, the value is an amount less than \$100.

(c) Amounts of value of separate properties involved in thefts committed pursuant to one scheme or course of conduct, whether the thefts are from the same person or from several persons, may be aggregated in determining the grade of the offense.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 812.014, Florida Statutes, are amended to read:

812.014 Theft.—

(2)(a)1. If the property stolen is valued at \$100,000 or more; or

*2. If the property stolen is cargo valued at \$50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or*

*3. If the offender commits any grand theft and:*

*a. In the course of committing the offense the offender uses a motor vehicle as an instrumentality, other than merely as a getaway vehicle, to assist in committing the offense and thereby damages the real property of another; or*

*b. In the course of committing the offense the offender causes damage to the real or personal property of another in excess of \$1,000,*

*the offender commits grand theft in the first degree, punishable as a felony of the first degree, as provided in s. 775.082, s. 775.083, or s. 775.084.*

*(b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000,*

*2. The property stolen is cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock, or*

*3. The property stolen is emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401,*

*the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. Emergency medical equipment means mechanical or electronic apparatus used to provide emergency services and care as defined in s. 395.002(10) or to treat medical emergencies.*

Section 3. Paragraphs (d) and (h) of subsection (1) and subsections (5) and (7) of section 812.015, Florida Statutes, are amended, and subsections (8) and (9) are added to said section, to read:

812.015 Retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(d) "Retail theft" means the taking possession of or carrying away of merchandise, property, money, or negotiable documents; altering or removing a label, universal product code, or price tag; transferring mer-

chandise from one container to another; or removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

(h) "Antishoplifting or inventory control device" means a mechanism or other device designed and operated for the purpose of detecting the removal from a mercantile establishment or similar enclosure, or from a protected area within such an enclosure, of specially marked or tagged merchandise. *The term includes any electronic or digital imaging or any video recording or other film used for security purposes and the cash register tape or other record made of the register receipt.*

(5)(a) A merchant, merchant's employee, farmer, or a transit agency's employee or agent who takes a person into custody, as provided in subsection (3), or who causes an arrest, as provided in subsection (4), of a person for retail theft, farm theft, transit fare evasion, or trespass shall not be criminally or civilly liable for false arrest or false imprisonment when the merchant, merchant's employee, farmer, or a transit agency's employee or agent has probable cause to believe that the person committed retail theft, farm theft, transit fare evasion, or trespass.

*(b) If a merchant or merchant's employee takes a person into custody as provided in this section, or acts as a witness with respect to any person taken into custody as provided in this section, the merchant or merchant's employee may provide his or her business address rather than home address to any investigating law enforcement officer.*

(7) It is unlawful to possess, or use or attempt to use, any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise. Any person who possesses any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a felony ~~misdemeanor~~ <sup>misdemeanor</sup> of the third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. Any person who uses or attempts to use any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*(8) If a person commits retail theft, it is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at \$300 or more, and the person:*

*(a) Individually, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense, in which case the amount of each individual theft is aggregated to determine the value of the property stolen;*

*(b) Commits theft from more than one location within a 48-hour period, in which case the amount of each individual theft is aggregated to determine the value of the property stolen;*

*(c) Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense; or*

*(d) Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.*

*(9) Any person who violates subsection (8) and who has previously been convicted of a violation of subsection (8) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 4. Section 812.0155, Florida Statutes, is created to read:

812.0155 Suspension of driver's license following an adjudication of guilt for theft.—

*(1) Except as provided in subsections (2) and (3), the court may order the suspension of the driver's license of each person adjudicated guilty of any misdemeanor violation of s. 812.014 or s. 812.015, regardless of the value of the property stolen. The court shall order the suspension of the driver's license of each person adjudicated guilty of any misdemeanor violation of s. 812.014 or s. 812.015 who has previously been convicted of such an offense. Upon ordering the suspension of the driver's license of the person adjudicated guilty, the court shall forward the driver's license*

of the person adjudicated guilty to the Department of Highway Safety and Motor Vehicles in accordance with s. 322.25.

(a) The first suspension of a driver's license under this subsection shall be for a period of up to 6 months.

(b) A second or subsequent suspension of a driver's license under this subsection shall be for 1 year.

(2) The court may revoke, suspend, or withhold issuance of a driver's license of a person less than 18 years of age who violates s. 812.014 or s. 812.015 as an alternative to sentencing the person to:

(a) Probation as defined in s. 985.03 or commitment to the Department of Juvenile Justice, if the person is adjudicated delinquent for such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(b) Probation as defined in s. 985.03, commitment to the Department of Juvenile Justice, probation as defined in s. 948.01, community control, or incarceration, if the person is convicted as an adult of such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(3) As used in this subsection, the term "department" means the Department of Highway Safety and Motor Vehicles. A court that revokes, suspends, or withholds issuance of a driver's license under subsection (2) shall:

(a) If the person is eligible by reason of age for a driver's license or driving privilege, direct the department to revoke or withhold issuance of the person's driver's license or driving privilege for not less than 6 months and not more than 1 year;

(b) If the person's driver's license is under suspension or revocation for any reason, direct the department to extend the period of suspension or revocation by not less than 6 months and not more than 1 year; or

(c) If the person is ineligible by reason of age for a driver's license or driving privilege, direct the department to withhold issuance of the person's driver's license or driving privilege for not less than 6 months and not more than 1 year after the date on which the person would otherwise become eligible.

(4) Subsections (2) and (3) do not preclude the court from imposing any sanction specified or not specified in subsection (2) or subsection (3).

Section 5. Section 812.017, Florida Statutes, is created to read:

812.017 Use of a fraudulently obtained or false receipt.—

(1) Any person who requests a refund of merchandise, money, or any other thing of value through the use of a fraudulently obtained receipt or false receipt commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who obtains merchandise, money, or any other thing of value through the use of a fraudulently obtained receipt or false receipt commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 6. Section 812.0195, Florida Statutes, is created to read:

812.0195 Dealing in stolen property by use of the Internet.—Any person in this state who uses the Internet to sell or offer for sale any merchandise or other property that the person knows, or has reasonable cause to believe, is stolen commits:

(1) A misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if the value of the property is less than \$300; or

(2) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the value of the property is \$300 or more.

Section 7. Section 817.625, Florida Statutes, is created to read:

817.625 Use of scanning device or reencoder to defraud; penalties.—

(1) As used in this section, the term:

(a) "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.

(b) "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.

(c) "Payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

(d) "Merchant" means a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything else of value from the person.

(2)(a) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for a person to use:

1. A scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

2. A reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

(b) Any person who violates subparagraph (a)1. or subparagraph (a)2. a second or subsequent time commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who violates subparagraph (a)1. or subparagraph (a)2. shall also be subject to the provisions of ss. 932.701-932.707.

Section 8. Section 831.07, Florida Statutes, is amended to read:

831.07 Forging bank bills, checks, drafts, or promissory notes.—Whoever falsely makes, alters, forges or counterfeits a bank bill, check, draft, or promissory note payable to the bearer thereof, or to the order of any person, issued by an incorporated banking company established in this state, or within the United States, or any foreign province, state, or government, with intent to injure any person, ~~commits shall be guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Section 831.08, Florida Statutes, is amended to read:

831.08 Possessing certain forged notes, or bills, checks, or drafts.—Whoever has in his or her possession 10 or more similar false, altered, forged, or counterfeit notes, bills of credit, bank bills, checks, drafts, or notes, such as are mentioned in any of the preceding sections of this chapter, payable to the bearer thereof or to the order of any person, knowing the same to be false, altered, forged, or counterfeit, with intent to utter and pass the same as true, and thereby to injure or defraud any person, ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Section 831.09, Florida Statutes, is amended to read:

831.09 Uttering forged bills, checks, drafts, or notes.—Whoever utters or passes or tenders in payment as true, any such false, altered, forged, or counterfeit note, or any bank bill, check, draft, or promissory note, payable to the bearer thereof or to the order of any person, issued as aforesaid, knowing the same to be false, altered, forged, or counterfeit, with intent to injure or defraud any person, ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. For the purpose of incorporating the amendments made by this act to section 831.09, Florida Statutes, in references thereto, section 831.10, Florida Statutes, is reenacted to read:

831.10 Second conviction of uttering forged bills.—Whoever, having been convicted of the offense mentioned in s. 831.09 is again convicted of the like offense committed after the former conviction, and whoever is at the same term of the court convicted upon three distinct charges of such offense, shall be deemed a common utterer of counterfeit bills, and shall be punished as provided in s. 775.084.

Section 12. Section 831.11, Florida Statutes, is amended to read:

831.11 Bringing into the state forged bank bills, checks, drafts, or notes.—Whoever brings into this state or has in his or her possession a false, forged, or counterfeit bill, check, draft, or note in the similitude of the bills or notes payable to the bearer thereof or to the order of any person issued by or for any bank or banking company established in this state, or within the United States, or any foreign province, state or government, with intent to utter and pass the same or to render the same current as true, knowing the same to be false, forged, or counterfeit, ~~commits shall be guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 13. Section 831.12, Florida Statutes, is amended to read:

831.12 Fraudulently connecting parts of genuine instrument.—Whoever fraudulently connects together parts of several banknotes, checks, drafts, or other genuine instruments in such a manner as to produce one additional note, check, draft, or instrument, with intent to pass all of them as genuine, ~~commits shall be deemed guilty of forgery in like manner~~ as if each of them had been falsely made or forged.

Section 14. Section 831.28, Florida Statutes, is created to read:

831.28 Counterfeiting a payment instrument; possessing a counterfeit payment instrument; penalties.—

(1) As used in this section, the term "counterfeit" means the manufacture of or arrangement to manufacture a payment instrument, as defined in s. 560.103, without the permission of the financial institution, account holder, or organization whose name, routing number, or account number appears on the payment instrument, or the manufacture of any payment instrument with a fictitious name, routing number, or account number.

(2)(a) It is unlawful to counterfeit a payment instrument with the intent to defraud a financial institution, account holder, or any other person or organization or for a person to have any counterfeit payment instrument in such person's possession. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The printing of a payment instrument in the name of a person or entity or with the routing number or account number of a person or entity without the permission of the person or entity to manufacture or reproduce such payment instrument with such name, routing number, or account number is prima facie evidence of intent to defraud.

(3) This section does not apply to a law enforcement agency that produces or displays counterfeit payment instruments for investigative or educational purposes.

Section 15. Subsection (10) is added to section 832.05, Florida Statutes, to read:

832.05 Giving worthless checks, drafts, and debit card orders; penalty; duty of drawee; evidence; costs; complaint form.—

(10) CONSTRUCTION; PAYEE OR HOLDER; INSUFFICIENT FUNDS.—For the purposes of construction of this section, a payee or holder does not have knowledge, express notification, or reason to believe that the maker or drawer has insufficient funds to ensure payment of a check, draft, or debit card solely because the maker or drawer has previously drawn or issued a worthless check, draft, or debit card order to the payee or holder.

Section 16. Paragraphs (b), (c), (d), (e), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(b) LEVEL 2
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.
590.28(1)	3rd	Willful, malicious, or intentional burning.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
817.52(3)	3rd	Failure to redeliver hired vehicle.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes <del>note</del> .
831.08	3rd	<del>Possession</del> Possession of 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes; <del>passes as bank bill or promissory note</del> .
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely impersonating an officer.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.  (c) LEVEL 3	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.			
697.08	3rd	Equity skimming.			
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.	316.1935(3)	2nd	(d) LEVEL 4 Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
796.05(1)	3rd	Live on earnings of a prostitute.	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.	784.075	3rd	Battery on detention or commitment facility staff.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.	784.081(3)	3rd	Battery on specified official or employee.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.	784.083(3)	3rd	Battery on code inspector.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
817.233	3rd	Burning to defraud insurer.	787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
831.28(2)(a)	3rd	<i>Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.</i>	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
843.19	3rd	Injure, disable, or kill police dog or horse.	790.115(2)(c)	3rd	Possessing firearm on school property.
870.01(2)	3rd	Riot; inciting or encouraging.	800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
810.06	3rd	Burglary; possession of tools.	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.	812.131(2)(b)	3rd	Robbery by sudden snatching.
817.625(2)(a)	3rd	Fraudulent use of scanning device or re-encoder.	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
837.02(1)	3rd	Perjury in official proceedings.	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
837.021(1)	3rd	Make contradictory statements in official proceedings.	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.
914.14(2)	3rd	Witnesses accepting bribes.	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.
918.12	3rd	Tampering with jurors.	893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.			(f) LEVEL 6
316.1935(4)	2nd	Aggravated fleeing or eluding.			Accident involving death, failure to stop; leaving scene.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.			
790.01(2)	3rd	Carrying a concealed firearm.			
790.162	2nd	Threat to throw or discharge destructive device.			
790.163	2nd	False report of deadly explosive.			
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
775.0875(1)	3rd	Taking firearm from law enforcement officer.	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.	827.03(1)	3rd	Abuse of a child.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	827.03(3)(c)	3rd	Neglect of a child.
784.041	3rd	Felony battery.	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
784.048(3)	3rd	Aggravated stalking; credible threat.	836.05	2nd	Threats; extortion.
784.048(5)	3rd	Aggravated stalking of person under 16.	836.10	2nd	Written threats to kill or do bodily injury.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	843.12	3rd	Aids or assists person to escape.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
784.081(2)	2nd	Aggravated assault on specified official or employee.	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
784.083(2)	2nd	Aggravated assault on code inspector.	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.			
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.	944.40	2nd	Escapes.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.			(g) LEVEL 7
794.05(1)	2nd	Unlawful sexual activity with specified minor.	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.	409.920(2)	3rd	Medicaid provider fraud.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.	456.065(2)	3rd	Practicing a health care profession without a license.
812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
812.014(2)(b)2.	2nd	<i>Property stolen cargo valued at less than \$50,000, grand theft in 2nd degree.</i>	458.327(1)	3rd	Practicing medicine without a license.
812.015(9)	2nd	<i>Retail theft; property stolen \$300 or more; second or subsequent conviction.</i>	459.013(1)	3rd	Practicing osteopathic medicine without a license.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).	460.411(1)	3rd	Practicing chiropractic medicine without a license.
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.	461.012(1)	3rd	Practicing podiatric medicine without a license.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.	462.17	3rd	Practicing naturopathy without a license.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.	463.015(1)	3rd	Practicing optometry without a license.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.	464.016(1)	3rd	Practicing nursing without a license.
			465.015(2)	3rd	Practicing pharmacy without a license.
			466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
			467.201	3rd	Practicing midwifery without a license.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
468.366	3rd	Delivering respiratory care services without a license.	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
483.901(9)	3rd	Practicing medical physics without a license.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
484.053	3rd	Dispensing hearing aids without a license.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; <i>cargo stolen valued at \$50,000, or more</i> ; property stolen while causing other property damage; 1st degree grand theft.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	812.014(2)(b)2.	2nd	<i>Property stolen, emergency medical equipment; 2nd degree grand theft.</i>
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	812.131(2)(a)	2nd	Robbery by sudden snatching.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	872.06	2nd	Abuse of a dead human body.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
784.081(1)	1st	Aggravated battery on specified official or employee.	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
784.083(1)	1st	Aggravated battery on code inspector.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
796.03	2nd	Procuring any person under 16 years for prostitution.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.			

Florida Statute	Felony Degree	Description
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

Section 17. *Local task force on retail crime.—The Legislature encourages local law enforcement agencies to establish a task force on retail crime. The task force should act as an advisory body to study the problem of retail crime and develop recommendations for handling retail crime and theft in an expeditious and uniform manner. The task force should submit its recommendations to the sheriff or chief officer of the local law enforcement agency, the state attorney, and the chief judge of the judicial circuit. The sheriff or chief officer of the local law enforcement agency should appoint the members of the task force. A majority of the membership of the task force should consist of persons actively engaged in a retail business or employees of persons actively engaged in a retail business. The task force should terminate existence upon completing its assignment.*

Section 18. *If any provision of this act or the applications thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 19. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to property crimes; amending s. 812.012, F.S.; providing a definition of cargo; amending s. 812.014, F.S.; providing second-degree felony penalties for theft of certain emergency medical equipment and theft of certain cargo; providing a penalty for subsequent convictions for stealing cargo; amending s. 812.015, F.S.; revising certain definitions; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; providing a felony penalty for unlawfully possessing antishoptlifting or inventory control device countermeasures; providing a third-degree felony penalty for certain commission of retail theft; providing a second-degree felony penalty for second or subsequent violations of such retail theft; creating s. 812.0155, F.S.; authorizing a court to suspend the driver's license of certain persons under certain circumstances; requiring a court to suspend the driver's license of such persons for second or subsequent offenses; providing for increased periods of suspension for second or subsequent adjudications; providing requirements of court for revoking, suspending, or withholding issuance of the driver's license of certain persons; providing construction; creating s. 812.017, F.S.; providing misdemeanor penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing criminal penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; providing a felony penalty for using a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card, issuer of the payment card, or merchant; providing a felony penalty for using a reencoder to place

information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to second conviction of uttering forged bills, to incorporate a reference; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud or possessing counterfeit payment instruments; providing a felony penalty; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S.; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S.; conforming provisions of the Offense Severity Ranking Chart of the Criminal Punishment Code to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition, operation, and termination of such a task force; providing severability; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 1282** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Latvala—

**CS for SB 2034**—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing procedures and requirements for appointing limited proxies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2034** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Pruitt—

**CS for SB 302**—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the "Higher Educational Facilities Financing Act"; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 302** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Rossin—

**CS for SB 2088**—A bill to be entitled An act relating to prepaid college tuition; amending s. 240.551, F.S.; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2088** was placed on the calendar of Bills on Third Reading.

On motion by 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 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 668** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

**SB 1714**—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1714** to **HB 1935**.

Pending further consideration of **SB 1714** as amended, on motion by Senator Webster, by two-thirds vote **HB 1935** was withdrawn from the Committee on Rules and Calendar.

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

**HB 1935**—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—a companion measure, was substituted for **SB 1714** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1935** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

**CS for SB 1852**—A bill to be entitled An act relating to state revenues collected by clerks of the court; creating s. 213.13, F.S.; providing for electronic remittance to the Department of Revenue; providing for remittance by the Department of Revenue to various trust funds and agencies; providing for remittance of all moneys collected by the clerks of the court for the state to the Department of Revenue; amending ss. 27.52, 28.101, 28.2401, 28.241, 34.041, 44.108, 316.192, 318.18, 318.21, 329.73,

372.7015, 372.72, 382.023, 741.01, 775.0835, 938.01, 938.03, 938.04, 938.06, 938.07, 938.25, 938.27, 960.17, 318.14, 327.35, 382.022, 569.11, 938.23, F.S.; providing for remittance of funds to the Department of Revenue and deposit in the designated trust fund; repealing outdated language; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendments which were adopted:

**Amendment 1 (431630)**—On page 16, between lines 3 and 4, insert:

Section 12. Effective July 1, 2002, paragraph (a) of subsection (2) of section 318.21, Florida Statutes, as amended by chapters 97-235, 98-280, 98-403, and 2000-139, Laws of Florida, is amended to read:

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be *remitted to the Department of Revenue for deposit into* ~~paid to~~ the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the state courts system for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels in a constitutional charter county as provided for in s. 39.702.

(Redesignate subsequent sections.)

**Amendment 2 (885514)**—In title, on page 1, line 12, delete “329.73” and insert: 327.73

Pursuant to Rule 4.19, **CS for SB 1852** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

**CS for SB 1850**—A bill to be entitled An act relating to trust funds; creating the Department of Revenue Clerks of the Court Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1850** was placed on the calendar of Bills on Third Reading.

On motion by Senator Meek—

**CS for SB 84**—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing membership, terms, and organization; providing an appropriation; 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 Meek and adopted:

**Amendment 1 (643522)**—On page 4, line 13, delete “(2)” and insert: (3)

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

**Amendment 2 (334988)(with title amendment)**—On page 4, lines 26-29, delete all of said lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 6 and 7, delete: providing an appropriation;

Senator Meek moved the following amendment which was adopted:

**Amendment 3 (055648)(with title amendment)**—On page 4, between lines 29 and 30, insert:

Section 3. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations; skills training.—

(1) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between officers and members of diverse populations.

(2) The commission shall develop and implement, as part of its instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations.

(3) Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related training shall be used as instructional materials.

(4) *By October 1, 2001, the instruction in the subject of interpersonal skills relating to diverse populations shall consist of a module developed by the commission on the topic of discriminatory profiling.*

Section 4. *On or before January 1, 2002, each state and local law enforcement agency shall incorporate an anti-racial or other anti-discriminatory profiling policy into the agency's policies and practices. Anti-profiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include in its curriculum training in discriminatory profiling; requiring state and local law enforcement agencies to incorporate a profiling policy;

Pursuant to Rule 4.19, **CS for SB 84** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

**CS for SB 322**—A bill to be entitled An act relating to youthful offenders; amending s. 958.11, F.S.; providing for certain inmates to be assigned to a facility for youthful offenders as a residential assignment if the inmate's mental or physical vulnerability may jeopardize the inmate's safety; providing legislative intent with respect to housing all inmates under a specified age in facilities for youth offenders; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment:

**Amendment 1 (333766)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) is added to section 944.1905, Florida Statutes, to read:

944.1905 Initial inmate classification; inmate reclassification.—The Department of Corrections shall classify inmates pursuant to an objective classification scheme. The initial inmate classification questionnaire and the inmate reclassification questionnaire must cover both aggravating and mitigating factors.

(5)(a) *Notwithstanding any other provision of this section, the department shall assign to specific correctional facilities all inmates who are less than 18 years of age and who are not eligible for and have not been*

*assigned to a facility for youthful offenders. Any such inmate who is less than 18 years of age shall be housed in a dormitory that is separate from inmates who are 18 years of age or older. Furthermore, the department shall provide any food service, education, and recreation for such inmate separately from inmates who are 18 years of age or older. The department shall report to the Legislature on compliance with this paragraph by April 1, 2002.*

(b) *Any inmate who is less than 18 years of age, who was 15 years of age or younger at the time of his or her offense, and who has no prior juvenile adjudication must be placed in a facility for youthful offenders until the inmate is 18 years of age. At the discretion of the department, such an inmate may be placed in a facility for youthful offenders until the inmate is 21 years of age.*

(c) *Any inmate who is assigned to a facility under paragraph (a) or paragraph (b) shall be removed and reassigned to the general inmate population if his or her behavior threatens the safety of other inmates or correctional staff.*

Section 2. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to youthful offenders; amending s. 944.1905, F.S.; requiring that certain inmates who are less than a specified age be placed in specific correctional facilities and housed in separate dormitories; requiring that the Department of Corrections report to the Legislature on its compliance with housing youthful offenders; requiring that certain inmates who are less than a specified age and who have no prior juvenile adjudication be placed in facilities for youthful offenders; providing for the reassignment of an inmate to the general population if the inmate threatens the safety of other inmates or correctional staff; providing an effective date.

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

**Amendment 1A (740828)**—On page 2, line 6, delete "Any" and insert: *Notwithstanding the requirements of s. 958.11, any*

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 322** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 660** was deferred.

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On motion by Senator Campbell—

**SB 698**—A bill to be entitled An act relating to the statute of limitations for prosecuting certain sexual offenses; amending s. 775.15, F.S.; revising the date on which the applicable statute of limitations begins for certain sexual offenses committed against a minor; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 698** was placed on the calendar of Bills on Third Reading.

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Consideration of **SB 382** was deferred.

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On motion by Senator Saunders—

**SB 674**—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2001; providing legislative intent; authorizing the state to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the commission to provide specified assistance for

the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2001; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 674** to **HB 47**.

Pending further consideration of **SB 674** as amended, on motion by Senator Saunders, by two-thirds vote **HB 47** was withdrawn from the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Saunders—

**HB 47**—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2001; providing legislative intent; authorizing the Executive Office of the Governor to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the commission to provide specified assistance for the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2001; providing an effective date.

—a companion measure, was substituted for **SB 674** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 47** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

**Amendment 1 (974490)(with title amendment)**—On page 16, between lines 2 and 3, insert:

Section 7. Paragraph (d) of subsection (3) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid

aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(d) No more than four provider service networks for demonstration projects to test Medicaid direct contracting. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for 42 years from the date of implementation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 7, after the semicolon (;) insert: amending s. 409.912, F.S.; extending the duration of certain demonstration projects to test Medicaid direct contracting;

Senator Sanderson moved the following amendment:

**Amendment 2 (760298)**—On page 4, line 24, after "program" insert: and

Senator Sanderson moved the following substitute amendment which was adopted:

**Amendment 3 (933508)**—On page 4, line 24, delete "council" and insert: council

Senator Mitchell moved the following amendment which was adopted:

**Amendment 4 (205378)(with title amendment)**—On page 16, between lines 2 and 3, insert:

Section 7. *The Legislature finds that personally identifying information, name, age, diagnosis, address, bank account numbers, and debit and credit card numbers contained in the records relating to an individual's personal health or eligibility for health-related services made or received by the individual's physician, pharmacist, and public or private health facility should be held confidential. Furthermore, the Legislature finds that every person has an expectation of and a right to privacy in all matters concerning her or his personal health when medical services are provided. Matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. The private and confidential nature of personal health matters pervades both the public and private sectors. For these reasons, it is the expressed intent of the Legislature to protect confidential information and the individual's expectations of and right to privacy in all matters regarding her or his personal health, and to not have such information exploited for purposes of solicitation or marketing the sale of goods and services.*

Section 8. Subsection (5) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.—

(5)(a) Except as otherwise provided in this section and in s. 440.13(4)(c), such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care practitioners and providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization under the following circumstances:

1.(a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

2.(b) When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.

3.(c) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

4.(d) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

(b) *Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.*

Section 9. Subsection (7) of section 395.3025, Florida Statutes, is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(7)(a) If the content of any record of patient treatment is provided under this section, the recipient, if other than the patient or the patient's representative, may use such information only for the purpose provided and may not further disclose any information to any other person or entity, unless expressly permitted by the written consent of the patient. A general authorization for the release of medical information is not sufficient for this purpose. The content of such patient treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) *Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.*

Section 10. Subsection (1) of section 400.1415, Florida Statutes, is amended to read:

400.1415 Patient records; penalties for alteration.—

(1) Any person who fraudulently alters, defaces, or falsifies any medical record or releases medical records for the purposes of solicitation or marketing the sale of goods or services absent a specific written release or authorization permitting utilization of patient information; or other nursing home record, or causes or procures any of these offenses to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Section 626.9651, Florida Statutes, is created to read:

626.9651 *Privacy.—The department shall adopt rules consistent with other provisions of the Florida Insurance Code to govern the use of a consumer's nonpublic personal financial and health information. These rules must be based on, consistent with, and not more restrictive than the Privacy of Consumer Financial and Health Information Regulation, adopted September 26, 2000, by the National Association of Insurance Commissioners, however, the rules must 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 must 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. If the department determines that a health insurer or health maintenance organization is in compliance with, or is actively undertaking compliance with, the consumer privacy protection rules adopted by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, that health insurer or health maintenance organization is in compliance with this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 7, following the semicolon (;) insert: providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules;

Pursuant to Rule 4.19, **CS for CS for SB 2092** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 385** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Constantine—

**HB 385**—A bill to be entitled An act relating to a public records exemption for certain information used by municipally owned utilities; amending s. 119.07, F.S., which provides an exemption from public records requirements for a specified period of time for certain information used by a municipal utility to prepare and submit certain sealed bids to customers or prospective customers; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 382** and read the second time by title.

On motion by Senator Constantine, further consideration of **HB 385** was deferred.

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

**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.

—which was previously considered April 20 with pending **Amendment 1 (022794)** by Senator Garcia.

Senator Garcia moved the following substitute amendment which was adopted:

**Amendment 2 (115100)(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 paragraph (a) of subsection (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 welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), 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.

(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 community-based organizations and faith-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. These 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. Funds expended under this paragraph may not be used for religious or sectarian purposes.*

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: requiring certain funds to be expended for after-school care programs; prohibiting certain uses of such funds;

Senator Holzendorf moved the following amendments which were adopted:

**Amendment 3 (703762)**—On page 1, delete line 24 and insert: *current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), and*

**Amendment 4 (401052)**—On page 2, lines 28 and 29, delete those lines and insert: *persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), or that such persons be included as ex*

Pursuant to Rule 4.19, **CS for SB 1226** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

**SB 1344**—A bill to be entitled An act relating to preference in appointment and retention of public employees; amending s. 295.07, F.S.; eliminating the exemption of the positions of city and county managers, management positions, and policymaking positions from being subject to certain preference for military service; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1344** was placed on the calendar of Bills on Third Reading.

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

**HB 385**—A bill to be entitled An act relating to a public records exemption for certain information used by municipally owned utilities; amending s. 119.07, F.S., which provides an exemption from public records requirements for a specified period of time for certain information used by a municipal utility to prepare and submit certain sealed bids to customers or prospective customers; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **HB 385** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1366** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

**CS for SB 1642**—A bill to be entitled An act relating to homestead exemption; amending s. 196.031, F.S.; providing that a person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit that requires permanent residency in another state for eligibility is not eligible for homestead exemption; providing an exception; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

**Amendment 1 (290644)(with title amendment)**—On page 1, between lines 24 and 25, insert:

Section 2. Section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(1) The applicant must be a corporation not for profit *pursuant to chapter 617* or a Florida limited partnership, the sole general partner of which is a corporation not for profit *pursuant to chapter 617*, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) A facility will not qualify as a “home for the aged” unless at least 75 percent of the occupants are over the age of 62 years or totally and permanently disabled. For homes for the aged which are exempt from paying income taxes to the United States as specified in subsection (1), licensing by the Agency for Health Care Administration is required for ad valorem tax exemption hereunder only if the home:

(a) Furnishes medical facilities or nursing services to its residents, or

(b) Qualifies as an assisted living facility under part III of chapter 400.

(3) Those portions of the home for the aged which are devoted exclusively to the conduct of religious services or the rendering of nursing or medical services are exempt from ad valorem taxation.

(4)(a) After removing the assessed value exempted in subsection (3), *units or apartments in homes for the aged shall be exempt only to the extent that residency in the existing unit or apartment of the applicant home is reserved for or restricted to or the unit or apartment is occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence as of January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:*

1. Persons who have gross incomes of not more than \$7,200 per year and who are 62 years of age or older.

2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

3. Persons who are totally and permanently disabled and who have gross incomes of not more than \$7,200 per year.

4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the income limitations do not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(b) The maximum income limitations permitted in this subsection shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(5) Nonprofit housing projects ~~that which~~ are financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and ~~that which~~ are subject to the income limitations established by that department ~~are shall~~ be exempt from ad valorem taxation.

(6) For the purposes of this section, gross income includes social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple.

(7) It is hereby declared to be the intent of the Legislature that subsection (3) implements the ad valorem tax exemption authorized in the third sentence of s. 3(a), Art. VII, State Constitution, and the remaining subsections implement s. 6(e), Art. VII, State Constitution, for purposes of granting such exemption to homes for the aged.

(8) Physical occupancy on January 1 is not required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of a such property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (9). In a home in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of that home are exempt from taxation.

(9)(a) Each unit or apartment of a home for the aged not exempted in subsection (3) or subsection (4), which is operated by a not for profit corporation and is owned by such corporation or leased by such corporation from a health facilities authority pursuant to part III of chapter 154 or an industrial development authority pursuant to part III of chapter 159, and which property is used by such home for the aged for the purposes for which it was organized, is exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of \$25,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) Each ~~corporation home~~ applying for an exemption under paragraph (a) of this subsection or paragraph (4)(a) must file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under either of those paragraphs ~~that paragraph~~ is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

(10) Homes for the aged, or life care communities, however designated, which are financed through the sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, are exempt from ad valorem taxation only in accordance with the provisions of this section.

(11) Any portion of such property used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to exemption pursuant to this chapter.

(12) When it becomes necessary for the property appraiser to determine the value of a unit, he or she shall include in such valuation the proportionate share of the common areas, including the land, fairly attributable to such unit, based upon the value of such unit in relation to all other units in the home, unless the common areas are otherwise exempted by subsection (8).

(13) Sections 196.195 and 196.196 do not apply to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the second semicolon (;) insert: 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;

Pursuant to Rule 4.19, CS for SB 1642 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Smith—

**SB 818**—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; providing for a change in the boundaries of an enterprise zone; providing limitations; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (082440)**—On page 1, lines 12-21, delete those lines and insert:

*(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.*

Senator Crist moved the following amendment which was adopted:

**Amendment 2 (173798)(with title amendment)**—On page 1, between lines 21 and 22, 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 5, after the semicolon (;) insert: providing for designation of a specified area within Hillsborough County as an enterprise zone;

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

**Amendment 3 (964966)(with title amendment)**—On page 1, between lines 21 and 22, 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 5, 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;

Pursuant to Rule 4.19, **SB 818** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

**CS for SB 1306**—A bill to be entitled An act relating to Medicaid assistance for breast and cervical cancer treatment; creating the Mary Brogan Breast and Cervical Cancer Early Detection Program Act; amending s. 409.904, F.S.; authorizing Medicaid reimbursement for medical assistance provided to certain persons for treatment of breast or cervical cancer; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

**Amendment 1 (030590)(with title amendment)**—On page 3, lines 13-17, delete those lines and insert:

Section 3. *The Department of Health and the Agency for Health Care Administration shall monitor the total Medicaid expenditures for services made under this act. If Medicaid expenditures are projected to exceed the amount appropriated by the Legislature, the Department of Health shall limit the number of screenings to ensure Medicaid expenditures do not exceed the amount appropriated. The Department of Health, in cooperation with the Agency for Health Care Administration, shall prepare an annual report that must include the number of women screened; the percentage of positive and negative outcomes; the number*

*of referrals to Medicaid and other providers for treatment services; the estimated number of women who are not screened or not served by Medicaid due to funding limitations, if any; the cost of Medicaid treatment services; and the estimated cost of treatment services for women who were not screened or referred for treatment due to funding limitations. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by March 1 of each year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: requiring the Department of Health and the Agency for Health Care Administration to monitor expenditures under the act; requiring that certain services be limited if expenditures are projected to exceed appropriations; requiring the Department of Health to submit an annual report to the Legislature and the Governor;

Pursuant to Rule 4.19, **CS for SB 1306** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 962** was deferred.

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On motion by Senator Cowin—

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

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2308** was placed on the calendar of Bills on Third Reading.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SJR 1700** was withdrawn from the Committee on Rules and Calendar.

## SPECIAL ORDER CALENDAR, continued

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

**CS for SB 894**—A bill to be entitled An act relating to public records; creating s. 229.0055, F.S.; providing an exemption from public-records requirements for identifying information regarding applicants for the position of Commissioner of Education, president of a state university, or president of a public community college until a candidate is nominated; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—which was previously considered this day.

## SENATOR SULLIVAN PRESIDING

Senator Garcia moved the following amendments which were adopted:

**Amendment 1 (212808)(with title amendment)**—On page 1, lines 29-31, delete those lines and insert: *selection of three finalists, all files, interviews, meetings, appearances, and comments of the finalists, but not other applicants, shall be open to the public. The records of all applicants*

shall be open to the public three years after the closing date for filing an application for the position.

And the title is amended as follows:

On page 1, lines 8 and 9, delete "a candidate is selected" and insert: finalists are nominated

**Amendment 2 (130578)**—On page 2, lines 5-7, delete those lines and insert: *after three finalists are selected, any meeting or portion of a meeting in which one or more of the finalists are discussed shall be open to the public. Tape recordings, minutes and other records of applicants other than the finalists shall be open three years after the closing date for filing an application for the position.*

**Amendment 3 (892346)**—On page 2, lines 28 through page 3, line 4, delete those lines and insert: *that would identify an applicant other than the finalists significantly outweighs any public benefit that could be derived from providing access to this information at an earlier date. The Legislature also notes that, once the finalists have been selected, it is necessary for a full and adequate review and comparison of the finalists, that all records and meetings related to one or more of the finalists must be open to the public. The Legislature further finds that, to ensure that other applicants who are not finalists are given adequate protection while still providing public oversight over the entire selection process, a three-year period of closure of records and tape recordings and other records of meetings, is sufficient to protect applicants and to permit public oversight.*

Pursuant to Rule 4.19, **CS for SB 894** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

**CS for SB 962**—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 962** was placed on the calendar of Bills on Third Reading.

## THE PRESIDENT PRESIDING

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

## BILLS ON THIRD READING

Consideration of **CS for SB 1012** and **CS for CS for CS for SB's 1526 and 314** was deferred.

**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; amending s. 631.55, F.S.; creating a medical malpractice account within the Florida Insurance Guaranty Association; amending s. 627.351, F.S.; increasing the qualifying statutory surplus amount for the Florida Windstorm Underwriting Association Limited Apportionment Status; providing an effective date.

—as amended April 20 was read the third time by title.

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

**Amendment 1 (555648)(with title amendment)**—On page 17, line 21 through page 18, line 15, delete those lines and redesignate subsequent sections

And the title is amended as follows:

On page 2, lines 4-6, delete those lines

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

**Amendment 2 (454388)(with title amendment)**—On page 19, lines 5-15, delete those lines and insert:

Section 17. Subsection (7) is added to section 631.57, Florida Statutes, to read:

631.57 Powers and duties of the association.—

(7) *Notwithstanding any other provision of law, the net direct written premiums of medical malpractice insurance are not subject to assessment under this section to cover claims and administrative costs for the type of insurance defined in s. 624.604.*

And the title is amended as follows:

On page 2, lines 11-13, delete those lines and insert: 631.57, F.S.; exempting malpractice premiums from assessments that are due to insolvent property insurers; amending s. 627.351, F.S.;

Senator Latvala offered the following amendment which was moved by Senator Geller and adopted by two-thirds vote:

**Amendment 3 (864890)(with title amendment)**—On page 36, between lines 17 and 18, insert:

Section 19. Subsection (7) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if the insurer or agent has collected from the insured an amount equal to 2 months' premium. An insurer, agent, or premium finance company may not directly or indirectly take any action resulting in the insured having paid from the insured's own funds an amount less than the 2 months' premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. This subsection does not apply if all policy payments are paid pursuant to a payroll deduction plan or an automatic electronic funds transfer payment plan from the policyholder, provided that the first policy payment *may be* made by cash, cashier's check, check, or a money order. This subsection and subsection (4) do not apply if all policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent or a managing general agent, *or if the policy is issued pursuant to the*

transfer of a book of business by an agent from one insurer to another, provided that and if the policy includes, at a minimum, personal injury protection pursuant to ss. 627.730-627.7405; motor vehicle property damage liability pursuant to s. 627.7275; and bodily injury liability in at least the amount of \$10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one accident. This subsection and subsection (4) do not apply if an insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

Section 20. Subsection (1) of section 627.901, Florida Statutes, is amended to read:

627.901 Premium financing by an insurance agent or agency.—

(1) A general lines agent may make reasonable service charges for financing insurance premiums on policies issued or business produced by such an agent or agency, s. 626.9541 notwithstanding. The service charge shall not exceed \$1 per installment, or a \$6 total service charge per year, for any premium balance of \$120 or less. For any premium balance greater than \$120 but not more than \$220, the service charge shall not exceed \$9 per year. The maximum service charge for any premium balance greater than \$220 shall not exceed \$12 per year. In lieu of such service charges, an insurance agent or agency may charge interest or service charges, which may be level amounts and subject to endorsement changes, that in the aggregate do not exceed a rate of interest not to exceed 18 percent simple interest per year on the average unpaid balance as billed over the term of the policy.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 16, after the semicolon (;) insert: amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies;

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

**Amendment 4 (880180)(with title amendment)**—On page 36, lines 18 and 19, delete those lines and insert:

Section 19. 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 20. 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 16, 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;

On motion by Senator Geller, **CS for SB 2060** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Brown-Waite

**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.

—as amended April 20 was read the third time by title.

On motion by Senator Pruitt, **SB 1636** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Sebesta

**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 third time by title.

On motion by Senator Constantine, **CS for CS for CS for SB's 1526 and 314** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for SB 1704** and **CS for CS for SB's 1970 and 164** was deferred.

**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, 328.42, 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. 120.80, F.S.; providing for proceedings for administrative child support orders under the Department of Revenue; 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 for a case analysis; providing effective dates.

—as amended April 20 was read the third time by title.

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

**Amendment 1 (062142)**—On page 17, line 26, delete "of" and insert: *or*

On motion by Senator Peaden, **CS for SB 1284** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**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 third time by title.

On motion by Senator Garcia, **CS for SB 1012** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**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 exceptions; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—as amended April 20 was read the third time by title.

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

**Amendment 1 (790438)**—On page 2, between lines 3 and 4, insert:

*(d) Disclosure to an authorized person, as defined in Title 45 C.F.R. s. 303.15, for purposes of enforcing any state or federal law with respect to the unlawful taking or restraint of a child or making or enforcing a child custody or visitation determination. As used in this paragraph, the term "authorized person" includes a noncustodial parent, unless a court has entered an order under s. 741.30, s. 741.31, or s. 784.046.*

On motion by Senator Sanderson, **CS for SB 772** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**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, 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 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.

—as amended April 20 was read the third time by title.

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

**Amendment 1 (481636)(with title amendment)**—On page 3, between lines 15 and 16, insert:

Section 3. Section 24 of Chapter 2000-237, Laws of Florida, is amended to read:

Section 24. This act shall take effect upon becoming a law, except for section 8 of this act, which shall take effect July 1, 2003 ~~2004~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: amending s. 24 of ch. 200-237, Laws of Florida; revising an effective date;

On motion by Senator Latvala, **CS for SB 444** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**CS for SB 718**—A bill to be entitled An act relating to drug-free workplaces; amending s. 440.102, F.S.; clarifying that drug testing must be conducted in conformity with the section to qualify as having a drug-free workplace program; requiring certain contractors to implement a drug-free workplace program under certain circumstances; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator King, **CS for SB 718** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Garcia

**SB 1522**—A bill to be entitled An act relating to enterprise zones; authorizing a boundary change in a specified enterprise zone; 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; amending s. 290.0065, F.S.; providing for the change in the boundaries of an enterprise zone under specified conditions; 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; providing for designation of a specified area within Hillsborough County as an enterprise zone; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Constantine, **SB 1522** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**SPECIAL ORDER CALENDAR, continued**

**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 Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment;

requiring the department to review and approve rate filings of the association; providing appropriations; providing for severability; providing effective dates.

—was read the second time by title.

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

**Amendment 1 (340598)**—On page 20, line 21, after "licensee" insert: , person, or entity

**Amendment 2 (842270)**—On page 20, between lines 24 and 25, insert:

(6) *The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.*

Senator Burt moved the following amendment which was adopted:

**Amendment 3 (420982)(with title amendment)**—On page 43, line 10 through page 46, line 2, delete those lines and insert:

Section 20. Section 400.121, Florida Statutes, is amended to read:

400.121 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedure; order to increase staffing.—

(1) The agency may deny *an application*, revoke, or suspend a license, or impose an administrative fine, not to exceed \$500 per violation per day, *against any applicant or licensee for the following violations by the applicant, licensee, or other controlling interest:* ~~for~~

(a) A violation of any provision of s. 400.102(1);

(b) A demonstrated pattern of deficient practice;

(c) *Failure to pay any outstanding fines assessed by final order of the agency or final order of the Health Care Financing Administration pursuant to requirements for federal certification. The agency may renew or approve the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order;*

(d) *Exclusion from the Medicare or Medicaid program; or*

(e) *An adverse action by a regulatory agency against any other licensed facility that has a common controlling interest with the licensee or applicant against whom the action under this section is being brought. If the adverse action involves solely the management company, the applicant or licensee shall be given 30 days to remedy before final action is taken. If the adverse action is based solely upon actions by a controlling interest, the applicant or licensee may present factors in mitigation of any proposed penalty based upon a showing that such penalty is inappropriate under the circumstances.*

All hearings shall be held within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

(2) ~~Except as provided in s. 400.23(8), a \$500 fine shall be imposed~~ ~~The agency, as a part of any final order issued by it under this part, may impose such fine as it deems proper, except that such fine may not exceed \$500 for each violation.~~ Each day a violation of this part occurs constitutes a separate violation and is subject to a separate fine, but in no event may any fine aggregate more than \$5,000. A fine may be levied pursuant to this section in lieu of and notwithstanding the provisions of s. 400.23. ~~Fines paid by any nursing home facility licensee under this subsection shall be deposited in the Resident Protection Trust Fund and expended as provided in s. 400.063.~~

(3) *The agency shall revoke or deny a nursing home license if the licensee or controlling interest operates a facility in this state that:*

(a) *Has had two moratoria imposed by final order for substandard quality of care, as defined by Title 42, C.F.R. part 483, within any 30-month period;*

(b) *Is conditionally licensed for 180 or more continuous days;*

(c) *Is cited for two class I deficiencies arising from unrelated circumstances during the same survey or investigation; or*

(d) *Is cited for two class I deficiencies arising from separate surveys or investigations within a 30-month period.*

*The licensee may present factors in mitigation of revocation, and the agency may make a determination not to revoke a license based upon a showing that revocation is inappropriate under the circumstances.*

(4)(3) The agency may issue an order immediately suspending or revoking a license when it determines that any condition in the facility presents a danger to the health, safety, or welfare of the residents in the facility.

(5)(4)(a) The agency may impose an immediate moratorium on admissions to any facility when the agency determines that any condition in the facility presents a threat to the health, safety, or welfare of the residents in the facility.

(b) Where the agency has placed a moratorium on admissions on any facility two times within a 7-year period, the agency may suspend the license of the nursing home and the facility's management company, if any. ~~The licensee shall be afforded an administrative hearing within 90 days after the suspension to determine whether the license should be revoked.~~ During the suspension, the agency shall take the facility into receivership and shall operate the facility.

(6)(5) An action taken by the agency to deny, suspend, or revoke a facility's license under this part, ~~in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility,~~ shall be heard by the Division of Administrative Hearings of the Department of Management Services within ~~60~~ 120 days after *the assignment of an administrative law judge receipt of the facility's request for a hearing*, unless the time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order. ~~This subsection does not modify the requirement that an administrative hearing be held within 90 days after a license is suspended under paragraph (4)(b).~~

(7)(6) The agency is authorized to require a facility to increase staffing beyond the minimum required by law, if the agency has taken administrative action against the facility for care-related deficiencies directly attributable to insufficient staff. Under such circumstances, the facility may request an expedited interim rate increase. The agency shall process the request within 10 days after receipt of all required documentation from the facility. A facility that fails to maintain the required increased staffing is subject to a fine of \$500 per day for each day the staffing is below the level required by the agency.

(8) *An administrative proceeding challenging an action taken by the agency pursuant to this section shall be reviewed on the basis of the facts and conditions that resulted in such agency action.*

(9) *Notwithstanding any other provision of law to the contrary, agency action in an administrative proceeding under this section may be overcome by the licensee upon a showing by a preponderance of the evidence to the contrary.*

(10) *In addition to any other sanction imposed under this part, in any final order that imposes sanctions, the agency may assess costs related to the investigation and prosecution of the case. Payment of agency costs shall be deposited into the Health Care Trust Fund.*

And the title is amended as follows:

On page 4, line 8, after the semicolon (;) insert: requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution;

Senator Brown-Waite moved the following amendment:

**Amendment 4 (451258)(with title amendment)**—On page 48, line 25, insert: *(21) Maintain in the medical record for each resident a daily chart of certified nursing assistant services provided to the resident. This record must be completed with the delivery of care, by the certified nursing assistant caring for the resident. This record must indicate assistance with activities of daily living, assistance with eating, and assistance with drinking, and must record each offering of nutrition and hydration for those residents whose plan of care or assessment indicates a risk for malnutrition or dehydration.*

And the title is amended as follows:

On page 4, line 25, after "coverage;" insert: requiring daily charting of specified certified nursing assistant services;

Senator Brown-Waite moved the following amendment to **Amendment 4** which was adopted:

**Amendment 4A (721130)**—On page 1, lines 18-20, delete those lines and insert: *provided to the resident. The certified nursing assistant who is caring for the resident must complete this record by the end of his or her shift. This record must indicate assistance*

**Amendment 4** as amended was adopted.

Senator Burt moved the following amendment which was adopted:

**Amendment 5 (11486)(with title amendment)**—On page 59, line 27 through page 60, line 15, delete those lines and insert:

Section 27. Subsections (3) and (4) of section 400.19, Florida Statutes, are amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. *The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period, or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be \$6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys.* The agency shall verify through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III or class IV deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.

(4) The agency shall conduct unannounced onsite facility reviews following written verification of licensee noncompliance in instances in which a long-term care ombudsman council, pursuant to ss. 400.0071 and 400.0075, has received a complaint and has documented deficiencies in resident care or in the physical plant of the facility that threaten the health, safety, or security of residents, or when the agency documents through inspection that conditions in a facility present a direct or indirect threat to the health, safety, or security of residents. However, the agency shall conduct ~~four or more~~ unannounced onsite reviews *every 3 months within a 12-month period* of each facility ~~while the facility which has a conditional license licensure status.~~ Deficiencies related to physical plant do not require followup reviews after the agency has determined that correction of the deficiency has been accomplished and that the correction is of the nature that continued compliance can be reasonably expected.

And the title is amended as follows:

On page 5, line 22, after the second semicolon (;) insert: requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine;

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

**Amendment 6 (472148)(with title amendment)**—On page 85, lines 10-26, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 18-20, delete “amending s. 400.417, F.S.; providing for a standard license;”

**Amendment 7 (534816)(with title amendment)**—On page 92, between lines 3 and 4, insert:

*(5) Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.*

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 6, line 28, after “incidents” insert: and of liability claims

Senator Sanderson moved the following amendment which was adopted:

**Amendment 8 (805842)(with title amendment)**—On page 94, lines 1-10, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 7, lines 4-6, delete those lines and insert: of assisted living facilities; amending

## RECONSIDERATION OF AMENDMENT

On motion by Senator Sanderson, the Senate reconsidered the vote by which **Amendment 8** was adopted. **Amendment 8** was withdrawn.

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

**Amendment 9 (894608)(with title amendment)**—On page 94, line 11 through page 95, line 7, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 7, lines 9-12, delete “amending s. 400.428, F.S.; revising requirements for the survey conducted of licensed facilities by the agency;”

Senator Sanderson moved the following amendment which was adopted:

**Amendment 10 (552022)(with title amendment)**—On page 94, lines 1-10, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 7, lines 6-9, delete those lines and insert: be examined by a licensed physician; amending s.

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

**Amendment 11 (113470)(with title amendment)**—On page 113, line 12 through page 114, line 13, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 9, lines 11-14, delete those lines and insert: inspection requirements; creating s. 400.449, F.S.;

Senators Brown-Waite and Silver offered the following amendment which was moved by Senator Brown-Waite:

**Amendment 12 (762432)(with title amendment)**—On page 114, between lines 24 and 25, insert:

Section 54. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care. *The agency shall not provide for any increases in reimbursement rates to nursing homes associated with changes in ownership.* Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall apply only to fiscal year 2000-2001 and shall be implemented to the extent existing appropriations are available. The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to which these costs are not being compensated by the Medicaid program. Medicaid-participating nursing homes shall be required to report to the agency information necessary to compile this report. Effective no earlier than the rate-setting period beginning April 1, 1999, the agency shall establish a case-mix reimbursement methodology for the rate of payment for long-term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level-of-care data and other appropriate data. The case-mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient’s care component or the per diem rate to more adequately cover the cost of services provided in the patient’s care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology. It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency

may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 9, line 17, after "penalties;" insert: amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership;

Senators Silver and Brown-Waite offered the following amendment to **Amendment 12** which was moved by Senator Silver and adopted:

**Amendment 12A (904424)**—On page 2, line 17-19, delete those lines and insert: access to such care. *Changes of ownership between related parties do not qualify for increases in reimbursement rates associated with the change of ownership. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with changes of ownership filed on or after October 1, 2001, are equivalent to the previous owner's reimbursement rate.* Under the plan, interim rate

Senator Silver moved the following amendment to **Amendment 12** which was adopted:

**Amendment 12B (501228)**—On page 2, delete line 29 and insert: provision shall apply only to fiscal year 2000-2001 and shall

**Amendment 12** as amended was adopted.

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

**Amendment 13 (670640)(with title amendment)**—On page 133, after line 31, insert:

Section 66. Paragraph (g) is added to subsection (1) of section 400.562, Florida Statutes, to read:

400.562 Rules establishing standards.—

(1) The Department of Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having state-wide effect. Such standards must relate to:

(g) *Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 8, after the first semicolon (;) insert: amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.;

**Amendment 14 (642598)**—On page 134, line 9, delete "\$100,000" and insert: \$948,782

Senator Smith moved the following amendments which were adopted:

**Amendment 15 (481674)(with title amendment)**—On page 32, between lines 17 and 18 and On page 108, between lines 27 and 28, insert:

(e) *In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which*

*support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.*

And the title is amended as follows:

On page 3, line 6, after the semicolon (;) and On page 8, line 31, after the semicolon (;) insert: providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions;

**Amendment 16 (720092)(with title amendment)**—On page 34, lines 21-28, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 3, lines 12-14, delete those lines.

**Amendment 17 (945166)(with title amendment)**—On page 109, lines 7-14, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 9, lines 1-4, delete those lines and insert: attorney's fees; amending s. 400.434, F.S.;

Senator Brown-Waite moved the following amendment:

**Amendment 18 (861570)**—On page 54, between lines 28 and 29, insert:

(15) *Information gathered by a credentialing organization under a quality-assurance program is not subject to discovery and may not be used in any civil or administrative proceeding.*

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

**Amendment 19 (600504)**—On page 55, between lines 28 and 29, insert:

(15) *Information gathered by a credentialing organization under a quality-assurance program is not discoverable from the credentialing organization. This subsection does not limit discovery of, access to, or use of facility records, including those records from which the credentialing organization gathered its information.*

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

**Amendment 20 (532194)**—On page 47, between lines 26 and 27, insert: (d) *A licensed facility shall impose a moratorium on new admissions to the facility during any period that the staff-to-resident ratio falls below the minimum required by the agency.*

**Amendment 21 (985764)**—On page 31, line 6 and on page 107, line 15, delete "knowingly"

**Amendment 22 (463060)**—On page 31, line 27 and on page 108, line 6, delete "solely" and insert: *primarily*

**Amendment 23 (352358)(with title amendment)**—On page 15, line 19 through page 17, line 11, delete those lines and insert:

Section 3. *The Agency for Health Care Administration and the Office of the Attorney General shall jointly study the potential use of electronic monitoring devices in nursing home facilities licensed under part II of chapter 400, Florida Statutes. The study shall include, but not be limited to, a review of the current use of electronic monitoring devices by nursing home facilities and their residents and other health care facilities, an analysis of other state laws and proposed legislation related to the mandated use of electronic monitoring devices in nursing home facilities, an analysis of the potential ramifications of requiring facilities to install such devices when requested by or on behalf of a resident, the impact of the devices on the privacy and dignity of both the resident on whose behalf the device is installed and other residents who may be affected by the device, the potential impact on improving the care of residents, the potential impact on the care environment and on staff recruitment and retention, appropriate uses of any tapes if mandated by law, including meth-*

*ods and time frames for reporting any questionable incidents to the facility and appropriate regulatory agencies, appropriate security needed to protect the integrity of tapes for both the protection of the resident and direct care staff, and the potential ramifications on the care environment of allowing the use of recorded tapes in legal proceedings, including any exceptions that should apply if prohibited. The Agency for Health Care Administration shall have the lead on the study and shall submit the findings and recommendations of the study to the Governor, the Speaker of the House of Representatives and the President of the Senate by January 1, 2002.*

And the title is amended as follows:

On page 1, lines 11-17, delete those lines and insert: nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending

Senator Brown-Waite moved the following amendment:

**Amendment 24 (364104)**—On page 33, line 19, after the period (.) insert:

Effective May 15, 2001, and applying to causes of action accruing on or after that date,

On motion by Senator Brown-Waite, further consideration of **CS for CS for SB 1202** with pending **Amendment 24** was deferred.

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

### BILLS ON THIRD READING

**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 third time by title.

On motion by Senator Saunders, **SB 210** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**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.

—as amended April 20 was read the third time by title.

On motion by Senator Posey, **SB 1400** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for CS for SB 2108** was deferred.

**SB 1162**—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Sebesta, **SB 1162** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Webster

**CS for SB 1610**—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.003, F.S.; revising references relating to need determinations; amending s. 497.005, F.S.; providing and revising definitions; amending s. 497.201, F.S.; increasing minimum acreage requirements to establish a cemetery company; eliminating need determinations for new cemeteries; clarifying provisions governing authorized trust companies, banks, and savings and loan associations; revising experience requirements for the general manager of a cemetery company; amending s. 497.237, F.S.; authorizing care and maintenance trust funds to be established with a federal savings and loan association holding trust powers in this state; amending s. 497.245, F.S.; revising provisions governing burial rights; amending s. 497.253, F.S.; revising minimum acreage requirements and references, to conform; revising requirements for sale or disposition of certain cemetery lands, to conform; repealing s. 497.353(12), F.S., relating to prohibiting the use in need determinations of spaces or lots from burial rights reacquired by a cemetery, to conform; amending s. 497.405, F.S.; clarifying provisions

relating to authorized trust companies, banks, and savings and loan associations; amending s. 497.417, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations; revising the authority of certificateholders offering preneed funeral and burial merchandise and services contracts to revest title to trust assets by posting a bond or using other forms of security or insurance; providing a time limitation on such authority; amending s. 497.425, F.S.; providing a time limitation on the authority to post certain bonds to secure preneed contract assets; amending s. 497.429, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations with respect to alternative preneed contracts; amending s. 470.002, F.S.; redefining the term "legally authorized person" for purposes of ch. 470, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for SB 1610** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**SPECIAL ORDER CALENDAR, continued**

The Senate resumed consideration of—

**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 Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment;

requiring the department to review and approve rate filings of the association; providing appropriations; providing for severability; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 24 (364104)** by Senator Brown-Waite was adopted.

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

**Amendment 25 (163292)**—On page 17, line 12; On page 23, line 11; On page 28, lines 1, 17 and 25; On page 95, line 8; On page 99, line 23; On page 104, line 12; and On page 105, line 4, delete "July 1" and insert: May 15

**Amendment 26 (063568)**—On page 29, line 25; On page 31, line 17; On page 32, line 28; On page 106, line 4; and On page 107, line 26, after the period (.) insert:

Effective May 15, 2001, and applying to causes of action filed on or after that date,

#### RECONSIDERATION OF AMENDMENT

On motion by Senator Brown-Waite, the Senate reconsidered the vote by which **Amendment 26** was adopted. **Amendment 26** was withdrawn.

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

**Amendment 27 (163828)**—On page 34, line 21 and On page 109, line 7, delete "October 1" and insert: May 15

**Amendment 28 (564344)**—On page 104, delete line 28 and insert:

Section 44. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4295,

**Amendment 29 (720662)(with title amendment)**—On page 99, between lines 22 and 23, insert:

*(7) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.*

And the title is amended as follows:

On page 7, line 23, after the semicolon (;) insert: requiring copies of complaints filed in court to be provided to the agency;

**Amendment 30 (585886)**—On page 18, lines 15-25, delete those lines and insert: *Civil Procedure. Sections 400.023-400.0238 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a nursing home resident arising out of negligence or a violation of rights specified in s. 400.022. This section does not preclude theories of recovery not arising out of negligence or s. 400.022 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.023-400.0238. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident and to the agency.*

**Amendment 31 (665066)**—On page 20, between lines 24 and 25, insert:

*(6) An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provision of s. 768.21(8) do not apply to a claim alleging death of the resident.*

**Amendment 32 (782386)**—On page 96, lines 12-23, delete those lines and insert: *768.79 or the Florida Rules of Civil Procedure. Sections 400.429-400.4303 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a resident arising out of negligence or a violation of rights specified in s. 400.428. This section does not preclude theories of recovery not arising out of negligence or s. 400.428 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.429-400.4303. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident or to the agency.*

Senator Silver moved the following amendment which was adopted:

**Amendment 33 (832324)**—On page 82, line 27 through page 84, line 19, delete those lines and insert:

(4)(a) The biennial license fee required of a facility is ~~\$300~~ ~~\$240~~ per license, with an additional fee of ~~\$50~~ ~~\$30~~ per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. 409.212. The total fee may not exceed \$10,000, no part of which shall be returned to the facility. The agency shall adjust the per bed license fee and the total licensure fee annually by not more than the change in the consumer price index based on the 12 months immediately preceding the increase.

(b) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide extended congregate care services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be \$400 per license, *with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility.* No part of *this fee* which shall be returned to the facility. The agency may adjust the *per-bed license fee and the annual license fee* once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be ~~\$250~~ ~~\$200~~ per license, with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility. ~~The total biennial fee may not exceed \$2,000.~~ No part of *this fee* which shall be returned to the facility. The agency may adjust the *per-bed license fee and the \$200 biennial license fee* and ~~the maximum total license fee~~ once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

#### MOTION

On motion by Senator Lee, the rules were waived and time of recess was extended until completion of **CS for CS for CS for SB 1202**, motions and announcements.

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

**Amendment 34 (935776)**—On page 134, lines 4-6, delete those lines and insert:

Section 67. *The sum of \$4,206,549 is appropriated from the Health Care Trust Fund to the Agency for Health Care Administration and 58.0 positions are authorized for the*

Senator Burt moved the following amendment which was adopted:

**Amendment 35 (201012)**—On page 129, line 16, after the period (.) insert: *The association will be activated when the Insurance Commissioner determines that primary coverage is not generally available from authorized insurers for any one of the following categories of facilities: long-term care facilities defined in s. 400.0060(2); nursing home facilities defined in s. 400.021(12); continuing care facilities licensed under s.*

*651.021; or assisted living facilities licensed under s. 400.407. The association will be activated solely for the category of facilities for which insurance is no longer available. The determination is exempt from any challenges under chapter 120.*

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

**Amendment 36 (661090)(with title amendment)**—On page 134, before line 1, insert:

Section 66. *Notwithstanding any other provision of this act to the contrary, sections 400.0237, 400.0238, 400.4297, 400.4298, Florida Statutes, as created by this act, and section 768.735, Florida Statutes, as amended by this act, shall become effective May 15, 2001; shall apply to causes of action accruing on or after May 15, 2001; and shall be applied retroactively to causes of action accruing before May 15, 2001, for which no case has been filed prior to October 5, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 8, after the first semicolon (;) insert: *providing for applicability of specified provisions of the act;*

**Amendment 37 (795360)(with title amendment)**—On page 110, line 28 through page 111, line 10, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 9, lines 7-9, delete those lines and insert: *certain councils; amending*

Senator Burt moved the following amendment which was adopted:

**Amendment 38 (183142)**—On page 130, lines 5 and 6, delete those lines and insert:

*liability insurance as defined in s. 624.605(1)(b), written in this state which is designated as "Commercial Multi-peril (liability portion)" or "Other liability" on the forms for financial statements approved by the National Associations of Insurance Commissioners, and does not include other casualty*

On motion by Senator Brown-Waite, further consideration of **CS for CS for CS for SB 1202** as amended was deferred.

#### MOTION

On motion by Senator Lawson, the rules were waived and time of recess was extended until completion of **SB 1200, CS for CS for CS for SB 1202**, motions and announcements.

On motion by Senator Brown-Waite—

**SB 1200**—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk-management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk-management and quality-assurance committees in nursing homes and assisted living facilities; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1200** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, the Senate resumed consideration of—

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

—which was previously considered and amended this day.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1202** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 1848** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar; and **CS for SB 1836** was withdrawn from the Committee on Governmental Oversight and Productivity.

### MOTIONS

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

On motion by Senator Lee, a deadline of 30 minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Friday, April 27.

### REPORTS OF COMMITTEES

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1816

The Committee on Finance and Taxation recommends committee substitutes for the following: SB 1100, SB 1232, CS for CS for SB 1758

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2056

**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 Criminal Justice recommends committee substitutes for the following: SB 716, SB 812, SB 846, CS for SB 1814

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 714

**The bill with committee substitute attached was referred to the Committee on Ethics and Elections under the original reference.**

The Committee on Appropriations recommends a committee substitute for the following: SB 2168

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

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 1878, CS for CS for SB 2008

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2028

The Committee on Finance and Taxation recommends committee substitutes for the following: SB 1542, SB 1978, CS for SB 2214

**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: SB 264 with 1 amendment, CS for SB 370, SB 458 with 1 amendment, SB 636 with 2 amendments, SB 878, CS for SB 930, CS for SB 934, SB 940 with 1 amendment, CS for SB 1330, CS for SB 1342, SB 1488, SB 1710, CS for SB 1874 with 1 amendment, CS for SB 1972 with 8 amendments, SB 2004 with 1 amendment

The Appropriations Subcommittee on Education recommends a committee substitute for the following: SB 2172

The Appropriations Subcommittee on General Government recommends committee substitutes for the following: CS for SB 478, CS for SB 1624, SB 1720, SB 1812, SB 1968

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

### COMMITTEE SUBSTITUTES

#### FIRST READING

By the Committee on Criminal Justice; and Senators Sebesta and Crist—

**CS for SB 714**—A bill to be entitled An act relating to offenses by public servants; creating the "Citizens' Right to Honest Government Act"; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending ss. 838.015 and 838.016, F.S.; increasing penalties; creating ss. 838.022, 838.20, 838.21, 838.22, 838.23, and 838.24, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; providing status of confidential informants or confidential sources; authorizing public servants who are subjected to an investigation for official misconduct to recover attorney's fees; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; amending s. 921.0022, F.S.; deleting specified felonies from and adding

specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 838.15, F.S., relating to commercial bribe receiving; repealing s. 838.16, F.S., relating to commercial bribery; amending ss. 112.3173 and 121.091, F.S.; amending s. 905.34, F.S.; expanding the jurisdiction of the statewide grand jury to include violations of ch. 838, F.S.; deleting cross-references, to conform; providing an effective date.

By the Committee on Criminal Justice; and Senators Burt, Sullivan and Silver—

**CS for SB 716**—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; increasing the penalty for a third conviction of driving under the influence to a third-degree felony if committed within a specified period following a prior conviction; increasing the penalty for a fourth or subsequent violation of driving under the influence to a third-degree felony regardless of when any prior conviction occurred; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

**CS for SB 812**—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 17 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

By the Committee on Criminal Justice; and Senators Campbell and Crist—

**CS for SB 846**—A bill to be entitled An act relating to felony offenses; amending s. 316.1935, F.S.; providing an enhanced penalty for the offense of fleeing or eluding a law enforcement officer if, in the course of the violation, the defendant causes serious bodily injury to another; amending s. 921.0022, F.S.; ranking the offense of aggravated fleeing or eluding; reenacting ss. 318.17, 322.61, F.S., relating respectively to offense excepted from motor vehicle licenses and disqualifications from operating a commercial motor vehicle, to incorporate the amendments to s. 316.1935, F.S., in references thereto; creating s. 812.158, F.S.; prohibiting certain acts by movers involving a shipper's household goods; providing a penalty; providing an effective date.

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

**CS for SB 1100**—A bill to be entitled An act relating to state debt; creating s. 215.98, F.S.; providing a declaration of public policy; requiring the Division of Bond Finance of the State Board of Administration to conduct an annual debt-affordability analysis; requiring a report; specifying report requirements; amending s. 11.90, F.S.; providing additional powers and duties of the Legislative Budget Commission relating to the state's debt; providing an effective date.

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

**CS for SB 1232**—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.089, F.S.; providing for the issuance, without payment of the license tax, of Pearl Harbor Survivor license plates or Purple Heart license plates to certain disabled veterans; providing an effective date.

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

**CS for SB 1542**—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; exempting certain transfers of homestead real property that involve spouses and that create a tenancy by the entireties from the tax on deeds and other instruments relating

to real property or interests therein; providing that a certificate of title issued by a clerk of court in a judicial sale of real property pursuant to foreclosure proceedings shall be subject to said tax; providing for the method of computation of the tax when the certificate of title is issued to the party in whose favor a judgment of foreclosure is granted; providing for retroactive application; clarifying that said tax does not apply to contracts and related documents for selling the residence of an employee relocating at the employer's direction; providing an effective date.

By the Committees on Finance and Taxation; Agriculture and Consumer Services; Natural Resources; and Senators Laurent, Posey, Lawson, Bronson, Smith, Brown-Waite, Pruitt, Mitchell, Constantine and Sanderson—

**CS for CS for CS for SB 1758**—A bill to be entitled An act relating to rural land conservation; creating the "Rural and Family Lands Protection Act"; defining terms; creating s. 570.70, F.S.; providing legislative intent; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; providing an effective date.

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

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

By the Committee on Banking and Insurance; and Senator Klein—

**CS for SB 1816**—A bill to be entitled An act relating to insurer rehabilitation and liquidation; amending s. 626.9541, F.S.; correcting a cross-reference; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances;

creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; providing an effective date.

By the Committees on Appropriations; Finance and Taxation; and Senators Horne, Carlton, Sanderson, Peaden, Pruitt, Geller, Latvala, Campbell, Posey, Villalobos, Diaz de la Portilla, Bronson, Silver, Meek, Garcia, Burt and Klein—

**CS for CS for SB 1878**—A bill to be entitled An act relating to tax on communications services; creating s. 202.105, F.S.; providing legislative findings and intent with respect to the Communications Services Tax Simplification Law; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; specifying the rates for the state tax; revising provisions relating to application of the tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; revising provisions relating to direct-pay permits; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer's place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes and tax amounts and brackets; amending s. 202.17, F.S.; specifying that registration as a dealer of communications services does not constitute registration for purposes of placing and maintaining communications facilities in municipal or county rights-of-way; removing the registration fee for such dealers; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions which authorize imposition of local communications services taxes and provide for use of revenues and certain credits; specifying the maximum rates of such taxes; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., that is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; revising requirements relating to the direct-pay permit required to qualify for the limitation on local communications services taxes on interstate communications services; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; specifying the local communications services tax conversion rates; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; requiring adjustment of the tax rate if revenues received for a specified period exceed a specified threshold; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.21, F.S.; conforming provisions; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of enhanced zip codes; revising requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer's duty

to update a database and to the amount of dealer's credit allowed when an alternative method of assigning service addresses is used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; creating s. 202.231, F.S.; providing requirements for provision of information by the department to local taxing jurisdictions; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications services; deleting provisions relating to legislative review; repealing s. 202.26(3)(i), F.S., which provides for adoption of rules by the department with respect to collection of information no longer required; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer's credit; amending s. 202.37, F.S.; providing requirements for audits conducted with respect to local communications services taxes; providing that certain persons or entities may provide evidence to the department regarding failure to report taxable sales and providing authority of the department with respect thereto; creating s. 202.38, F.S.; providing for credits or refunds under ch. 202, F.S., for certain bad debts or adjustments with respect to taxes under ch. 212, F.S., or ch. 166, F.S., billed prior to October 1, 2001, and no longer subject to tax; creating s. 202.381, F.S.; providing requirements with respect to implementation of ch. 202, F.S., and ch. 2000-260, Laws of Florida, and transition from the previous tax structure; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax on communications services; amending s. 212.031, F.S.; conforming provisions; amending s. 212.054, F.S.; clarifying that a discretionary sales surtax applies to transactions taxed under ch. 202, F.S.; amending s. 212.20, F.S.; removing provisions relating to deposit of certain proceeds under ch. 212, F.S., in the Mail Order Sales Tax Clearing Trust Fund; amending ss. 11.45, 218.65, and 288.1169, F.S.; correcting references; amending s. 212.202, F.S.; renaming the Mail Order Sales Tax Clearing Trust Fund as the Communications Services Tax Clearing Trust Fund; amending s. 337.401, F.S.; revising dates for notice of election by municipalities and counties regarding imposition of permit fees to the department; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; requiring notice to the department; prescribing regulations governing the amounts that may be imposed by municipalities and counties against certain persons or entities in connection with the placement or maintenance of communications facilities in municipal or county roads or rights-of-way; repealing s. 337.401(3)(f) and (g), F.S., relating to the authority of municipalities and counties to request in-kind requirements from cable service providers and to negotiate cable service franchises, and revising and relocating such provisions under that section; providing relationship of provisions relating to regulation of placement or maintenance of communications facilities in public roads or rights-of-way by counties or municipalities to zoning or land use authority; providing status of registration under such provisions; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; revising definitions; specifying continued application of s. 166.234, F.S., relating to administration and rights and remedies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; providing for severability; repealing s. 52 of ch. 2000-260, Laws of Florida, which provides for a legislative study during the 2001 session; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of the following provisions prior to their October 1, 2001, effective date: the remainder of ch. 202, F.S., which provides for the taxation of the sale of communications services; other statutory amendments which provide related administrative provisions; provisions which remove levy of the municipal public service tax on telecommunications services; provisions which provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S.; provisions which remove the imposition of tax under ch. 212, F.S., on telecommunication service; provisions relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees; and provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement

of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; providing effective dates.

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

**CS for SB 1978**—A bill to be entitled An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term “section 38 property” with an express definition of the terms “industrial machinery and equipment” and “motion picture and video equipment”; providing intent and purpose; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term “fixtures”; eliminating reference to the term “trade fixture”; amending s. 212.08, F.S.; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; amending s. 212.11, F.S.; requiring a dealer that claims certain tax credits by reason of engaging in specified activities to submit reports to the Department of Revenue; providing requirements for such reports; authorizing the department to adopt rules; providing for the disallowance of any credit not supported by a report; amending s. 212.20, F.S.; providing that newly incorporated municipalities meeting certain criteria are eligible to receive revenue sharing pursuant to s. 218.245, F.S.; amending s. 218.21, F.S.; providing a formula for revenue sharing distributions made for a specified fiscal year; amending s. 220.22, F.S.; eliminating the initial year’s information return for certain corporations; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; repealing s. 213.27(9), F.S., which authorizes the Department of Revenue to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department’s participation in the Streamlined Sales and Use Tax Agreement; providing that each state that is a party to the agreement must abide by certain requirements in order for the department to enter into the agreement; ensuring that when this state complies with the agreement, the agreement cannot be used to challenge existing state laws and statutes; providing for the collection and remittance of the sales and use tax under the agreement; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature concerning provisions that need to be adopted in order to bring this state’s system into compliance with the Streamlined Sales and Use Tax Agreement; amending s. 213.285, F.S.; delaying the future repeal of the certified audit project; amending ss. 213.053, 213.21, F.S.; conforming repeal dates; amending s. 213.30, F.S.; clarifying that the rewards program is the only available means of obtaining compensation for information regarding another person’s failure to comply with the state’s tax laws; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; abrogating the expiration of s. 215.20(3), F.S., relating to service charges against certain trust funds, notwithstanding s. 10, ch. 90-110, Laws of Florida;

repealing s. 4 of ch. 96-395, Laws of Florida, which provides for the repeal of exemptions provided for certain citizen support organizations and the Florida Folk Festival; providing for retroactive applicability; amending s. 201.02, F.S., relating to the tax on deeds and other instruments; exempting deeds and other instruments from the tax if property is conveyed from an electric utility to a regional transmission organization; amending s. 212.02, F.S.; excluding from the definition of “lease,” “let,” “rental,” or “license” certain payments made by a regional transmission organization to an electric utility; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 201.08, F.S.; providing a limit on the amount of the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; providing effective dates.

By the Committees on Appropriations; Commerce and Economic Opportunities; and Senator Diaz de la Portilla—

**CS for CS for SB 2008**—A bill to be entitled An act relating to economic development; amending s. 212.13, F.S.; requiring freight forwarders to provide warehouse receipts or copies of airway bills or bills of lading for certain purposes; providing receipt requirements; requiring freight forwarders to maintain certain records for a time certain; providing for effect of such documentation; providing a misdemeanor penalty for failing to provide such documentation or maintain certain records; amending s. 288.012, F.S.; changing the date for submission of certain reports by foreign offices; providing for the reports to be compiled and submitted by Enterprise Florida, Inc., as part of its annual report; amending s. 288.095, F.S.; increasing the amount of the total state share of tax refunds that may be scheduled annually for payment under the qualified target industry tax refund program and the qualified defense contractor tax refund program; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for the calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding the purposes for which the office may seek assistance from certain entities; amending s. 288.90151, F.S.; authorizing Enterprise Florida, Inc., to hire an economic analysis firm to assist with certain reporting requirements; directing Enterprise Florida, Inc., to hire a survey firm to assist with a customer-satisfaction survey; conforming changes; amending s. 288.905, F.S.; revising the deadline for submission of updates or modifications to the strategic plan developed by Enterprise Florida, Inc.; amending s. 288.980, F.S.; providing that grants by the Office of Tourism, Trade, and Economic Development to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically

appropriated therefor; creating the "New Product Transfer Enhancement Act"; creating s. 288.907, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and of Enterprise Florida, Inc.; providing requirements for product development agreements; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies; providing for determination of the amount of the credit by Enterprise Florida, Inc., and notification to the Department of Revenue; providing for carryover of the credit; amending s. 220.02, F.S.; providing order of credits against the tax; providing effective dates.

By the Committee on Criminal Justice; and Senator Burt—

**CS for SB 2028**—A bill to be entitled An act relating to production of certain records and other productions as a result of a subpoena, order, or warrant; creating s. 92.605, F.S.; defining terms; providing an exemption; providing requirements for production of records by an out-of-state corporation upon issuance of a subpoena, court order, or search warrant pertaining to such records; providing requirements for out-of-state corporations seeking to quash a subpoena or warrant; requiring out-of-state corporations to verify the authenticity of records such corporations are required to produce; providing requirements for the production of certain records by certain Florida corporations; providing that a cause of action does not arise against any out-of-state or Florida corporation or other specified persons for production of certain records, information, facilities, or assistance; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Transportation; and Senator Sebesta—

**CS for CS for SB 2056**—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; creating the turnpike enterprise; providing organization changes for the Department of Transportation; amending s. 163.3180, F.S.; providing a deadline for development on certain roads; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; increasing the debt-service cap on the transfer of 7 percent of state transportation revenue to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 255.20, F.S.; adding an exception to requirements relating to local bids and contracts for public construction works; amending s. 287.055, F.S.; increasing the amount constituting a continuing contract; amending s. 311.09, F.S.; referencing s. 287.055, F.S., relating to competition negotiation; amending s. 315.031, F.S.; authorizing certain entertainment expenditures for seaports; amending s. 316.302, F.S.; updating references to safety regulations for commercial vehicles; amending s. 316.3025, F.S.; conforming that section to the repeal of s. 316.3027, F.S.; repealing s. 316.3027, F.S., relating to commercial motor vehicle identification requirements; amending s. 316.515, F.S.; deleting the permit requirement for an automobile transporter; amending s. 316.535, F.S.; providing maximum weights for certain trucks; amending s. 316.545, F.S.; conforming provisions to amendments made by this act; repealing s. 316.610(3), F.S., relating to an irrelevant vehicle inspection service; amending ss. 330.27, 330.29, 330.30, 330.35, 330.36, F.S.; providing for the registration and licensing of airports; amending s. 332.004, F.S.; including an off-airport noise mitigation project within the meaning of the term "airport or aviation development project"; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan, and providing for notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing provisions that specify that certain changes in airport facilities and increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact review; amending ss. 380.06, 380.0651, F.S.; revising provisions governing application with respect to airports and petroleum storage facilities that have received a development-of-regional-impact development order or that have an application for development approval or notification of

proposed change pending on the effective date of the act; amending s. 334.044, F.S.; authorizing the department to purchase certain promotional items for the Florida Scenic Highways Program; authorizing the department to enter into permit-delegation agreements in certain circumstances; creating s. 335.066, F.S.; establishing the Safe Paths to School program; amending s. 334.30, F.S.; providing for public-private transportation facilities; amending ss. 335.141, 341.302, F.S.; removing the department's authority to regulate the operating speed of trains; amending s. 336.41, F.S.; providing prequalification requirements for contractors who bid on certain government projects; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria; amending s. 336.44, F.S.; substituting the criterion "lowest responsible bidder" for "lowest competent bidder"; amending s. 337.025, F.S.; exempting the turnpike enterprise from an annual contract cap; amending s. 337.107, F.S.; authorizing right-of-way services to be included in design-build contracts; amending s. 337.11, F.S.; authorizing the advertisement and award of certain design-build contracts; increasing the cap on fast-response contracts; authorizing the use of design-build contracts for enhancement projects; providing an exemption for a turnpike enterprise project; amending s. 337.14, F.S.; increasing the length of time for which a certificate of qualification may remain valid; providing prequalification requirements for contractors who bid on certain projects of specified expressway and bridge authorities or of the Jacksonville Transportation Authority; requiring the publication of prequalification criteria and procedures; providing for de novo review of the prequalification process by a circuit court; requiring the publication of selection criteria in specified circumstances; providing applicability; amending s. 337.401, F.S.; authorizing the department to accept a utility-relocation schedule and relocation agreement in lieu of a written permit in certain circumstances; amending s. 337.408, F.S.; revising provisions regulating benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 338.165, F.S.; revising provisions relating to toll revenues; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings policy, purpose, and intent for the Florida turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending s. 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 339.08, F.S.; repealing a rulemaking requirement relating to the department's expending moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; authorizing compensation to local governments by the department; increasing the amount of a project agreement for a local contribution; providing funds for certain counties that dedicate a portion of a sales tax to certain transportation projects; amending s. 339.135, F.S.; increasing the threshold amount for an amendment to the adopted work program; revising the time period for a transportation project commitment in the work program; amending s. 339.137, F.S.; providing membership changes to the Transportation Outreach Program Council; providing restrictions on project consideration; providing for the development of a scoring system; repealing 341.051(5)(b), F.S.; eliminating certain unnecessary public transit studies; amending s. 341.302, F.S.; eliminating the requirement for the department to develop and administer certain rail-system standards; amending s. 348.0003, F.S.; requiring the governing body of the county to determine the qualifications, terms of office, and obligations and rights of members of the expressway authority for the county; amending s. 373.4137, F.S.; providing requirements for environmental mitigation for transportation projects proposed by a transportation authority; requiring the authority to establish an escrow account; providing for mitigation plans; amending s. 348.0012, F.S.; providing an exemption to the Florida Expressway Authority Act; amending s. 348.754, F.S.; revising the authority of the Orlando-Orange County Expressway Authority; amending s. 348.7543, F.S.; expanding the use of bond financing; amending ss. 348.7544, 348.7545, F.S.; authorizing refinancing with bonds; amending s. 348.755, F.S.; authorizing the issuance

of bonds; amending s. 348.765, F.S.; providing that the section does not repeal, rescind, or modify s. 215.821, F.S.; amending s. 475.011, F.S.; providing an exemption for certain employees from specified licensing requirements; amending s. 479.15, F.S.; defining the term "federal-aid primary highway system"; creating s. 479.25, F.S.; allowing an increase in the height of a sign to restore its visibility under specified conditions; creating s. 70.20, F.S.; creating a process by which governmental entities and sign owners may enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S., and creating s. 496.4256, F.S.; revising the permit requirement for solicitation at rest areas; amending s. 255.25, F.S.; authorizing state agencies to execute certain replacement leases; providing guidelines for the execution of such leases; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; amending s. 331.308, F.S.; revising the membership of the board of supervisors of the Spaceport Florida Authority; designating the Lieutenant Governor as the chair and as the state's space policy leader; allowing the Lieutenant Governor to assign proxy voting power; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; providing effective dates.

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By the Committee on Appropriations; and Senator Villalobos—

**CS for SB 2168**—A bill to be entitled An act relating to brownfield redevelopment economic incentives; amending s. 376.84, F.S.; providing definitions; providing that a county that constructs, renovates, or expands a significant new facility for a professional sports franchise on a qualifying brownfield site is entitled to a sales tax increment rebate; requiring such county to submit certain information to the Department of Revenue; providing for certification of the county by the department; providing for rules; providing for use of the rebate funds; providing the amount of the rebate; providing conditions under which eligible counties cease to be entitled to certain rebates; requiring repayment of rebate proceeds to the state if the county sells or otherwise conveys the facility or the real property on which it is located to a private entity; amending s. 212.20, F.S.; providing for distribution of the rebate to such counties; creating s. 186.5053, F.S.; authorizing the South Florida Regional Planning Council to undertake certain responsibilities and activities; providing effective dates.

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By the Committees on Finance and Taxation; Judiciary; and Senator Burt—

**CS for CS for SB 2214**—A bill to be entitled An act relating to tobacco-settlement agreements; amending s. 215.5601, F.S.; defining the terms "participating manufacturer," "outdoor advertising," and "transit advertisements"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be

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

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1935 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

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By the Procedural and Redistricting Council; and Representative Byrd—

**HB 1935**—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—was referred to the Committee on Rules and Calendar.

### ENROLLING REPORTS

SB 412 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 26, 2001.

*Faye W. Blanton, Secretary*

### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 25 was corrected and approved.

### CO-SPONSORS

Senators Carlton—CS for SB 1116; Crist—SB 714, CS for SB 1956

### VOTES RECORDED

Senator Wasserman Schultz was recorded as voting "yea" on the following bill which passed on April 19: **SB 1644**.

### RECESS

On motion by Senator Lee, the Senate recessed at 6:45 p.m. to reconvene at 9:00 a.m., Friday, April 27.