



Journal of the Senate

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CONTENTS

Bills on Third Reading	795, 801, 939
Call to Order	794, 833
Co-Sponsors	965
Committee Substitutes, First Reading	952
House Messages, Final Action	964
House Messages, First Reading	952
House Messages, Returning	929
Local Bill Calendar	913
Motions	831, 951
Motions Relating to Committee Reference	795, 833, 951
Remarks	800
Reports of Committees	951
Resolutions	794, 800
Special Guests	795, 939
Special Order Calendar	833, 937
Vote, Disclosure	916
Votes Recorded	965

CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—40:

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

Excused: Conferees periodically for the purpose of working on CS for SB 1118 relating to elections: Senator Posey, Chairman; Senators Carlton, Sebesta and Smith

PRAYER

The following prayer was offered by Chaplain Dick Jenkins, Tomoka Correctional Institution, Daytona Beach:

Lord in Heaven, hear my prayer. We can trust our future to you. Contrary to popular opinion, it takes strength to be gentle.

We seek your blessings to exceed our natural ability and to be consistent in our loyalty to the citizens of Florida and concern motivation to all America. Add to our surprises of this day. May we all be sensitive to think and speak and act the truth in love.

“To God Be The Glory!” That is all a good person ever needs to say about yesterday, today, and tomorrow. Amen.

PLEDGE

Senate Pages Kendra Rich of Ocala, Ashley Wilson of Plantation and Charles Whittington of Indialantic, 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. Dennis Saver of Vero Beach, sponsored by Senator Posey, as doctor of the day. Dr. Saver specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator Geller—

By Senator Geller—

SR 2378—A resolution honoring Rabbi Stanley J. Garfein as the spiritual leader of the congregation of Temple Israel of Tallahassee for the past 35 years.

WHEREAS, Stanley J. Garfein will, at the time of his retirement in August 2001, have served as the Rabbi of Temple Israel of Tallahassee for 35 years, and

WHEREAS, as the spiritual leader of Temple Israel of Tallahassee, Rabbi Garfein has provided a congregation away from home for many government officials, legislators, and justices and judges, including U.S. Senator Richard Stone, Florida Supreme Court Justices, England, Erlich, and Kogan, District Court of Appeal Judge Charles Kahn, and Attorney General Robert Shevin who became active members of Temple Israel of Tallahassee during the time they lived in Tallahassee during their years of government service, and

WHEREAS, Stanley J. Garfein has, on numerous occasions, offered the opening prayer at sessions of the Florida Senate and the Florida House of Representatives, and at meetings of the Florida Cabinet, and

WHEREAS, Rabbi Stanley J. Garfein has been a vigorous advocate for social justice, NOW, THEREFORE,

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

That the Florida Senate offers its congratulations and best wishes to Rabbi Stanley J. Garfein as he retires from 35 years of active service as Rabbi of Temple Israel of Tallahassee.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Rabbi Stanley J. Garfein as a tangible token of the congratulations and best wishes of the Florida Senate.

—**SR 2378** was introduced, read and adopted by publication.

On motion by Senator Klein—

By Senator Klein—

SR 2380—A resolution supporting the Richard David Kann Melanoma Foundation and recognizing Monday, May 7, 2001, as Melanoma Monday—Skin Cancer Awareness Day.

WHEREAS, the Richard David Kann Melanoma Foundation is dedicated to educating the residents of Florida about the prevention and early detection of skin cancer, and

WHEREAS, melanoma and other skin cancers affect more than 1 million Americans each year and cause the death of more than 10,000 Americans each year, and

WHEREAS, melanoma and other skin cancers are highly preventable and curable when detected early, and

WHEREAS, education about the prevention and early detection of skin cancer may significantly decrease the incidence rate of skin cancer and the pain, trauma, and expense associated with skin cancer morbidity and mortality, and

WHEREAS, the residents of Florida are particularly vulnerable to this disease due to the year-round sunny climate of the state and overexposure to the ultraviolet radiation of the sun, and

WHEREAS, the American Academy of Dermatology has designated Monday, May 7, 2001, as Melanoma Monday—Skin Cancer Awareness Day, and

WHEREAS, the state has a substantial interest in promoting the health and welfare of children and families to educate them concerning the prevention and early detection of melanoma and other skin cancers, and

WHEREAS, all Florida residents are encouraged to avoid overexposure to the sun during the hours of 10 a.m. to 4 p.m., when the sun's rays are most dangerous; to apply sunscreen of SPF 15 or higher before going outside and reapply sunscreen frequently during outdoor activities; and to wear protective clothing when outdoors, including a wide-brimmed hat, long-sleeved shirt and long pants during prolonged periods of sun exposure, NOW THEREFORE,

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

That the Florida Senate recognizes Monday, May 7, 2001, as Melanoma Monday—Skin Cancer Awareness Day.

BE IT FURTHER RESOLVED that the Florida Senate urges all Floridians to make a conscious effort to help prevent melanoma and other skin cancers.

—was introduced out of order and read by title. On motion by Senator Klein, **SR 2380** was read the second time in full and adopted.

SPECIAL GUEST

Senator Klein introduced Allison Small, representative of the Richard David Kann Melanoma Foundation, who was present in the gallery.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 156**, **SB 848** and **SB 868** were withdrawn from the Committees on Appropriations Subcommittee on General Government and Appropriations; **SJR 434** was withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 620** was withdrawn from the Committee on Appropriations; **SB 1150** was withdrawn from the Committee on Governmental Oversight and Productivity; and **SB 1498** and **SB 2022** were withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations.

BILLS ON THIRD READING

CS for CS for HB 1193—A bill to be entitled An act relating to education; amending s. 236.081, F.S.; providing for the distribution to classroom teachers who provided international baccalaureate instruction certain bonuses; amending s. 121.091, F.S.; eliminating the requirement that certain instructional personnel make an election to participate in the Deferred Retirement Option Program within 12 months after reaching normal retirement date; amending s. 228.041, F.S.; revising the definition of "other instructional staff" to include adjunct educators; amending s. 230.23, F.S.; authorizing a review by a principal prior to reassigning a teacher; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.095, F.S.; revising provisions relating to assignment of teaching duties out-of-field; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; creating an athletic coaching certificate; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification

program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board to recognize and accept years of satisfactory performance for purposes of pay; providing an exemption; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, identify best practices for retaining high quality teachers, and develop a plan in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation for teacher recruitment and retention; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; amending s. 240.529, F.S.; establishing teacher education pilot programs for high-achieving students; providing an effective date.

—was read the third time by title.

Senator Lawson moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (170546)—On page 16, line 8, after the period (.) insert: *If an individual has completed the requirements in paragraph (2)(g), except the demonstration of general knowledge of mathematics, that person may continue employment as a teacher for the 3 years during which the temporary certificate is valid, if the teacher does not teach mathematics above the 4th-grade level and the teacher is enrolled in a state-approved program designed to improve mathematics skills. If the teacher has not completed the mathematics requirement after 3 school years, the school district may not continue to employ him or her in a position for which a temporary certificate is required.*

On motion by Senator Sullivan, **CS for CS for HB 1193** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crist, Laurent

Consideration of **CS for CS for SB 2108** and **CS for SB 1558** was deferred.

SENATOR LEE PRESIDING

SB 1420—A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers' reports; amending s. 106.22, F.S.; providing for rules prescribing requirements for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **SB 1420** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crist

RECONSIDERATION OF BILL

On motion by Senator Posey, the Senate reconsidered the vote by which **SB 1420** passed this day.

Pending further consideration of **SB 1420**, on motion by Senator Posey, by two-thirds vote **HB 1323** was withdrawn from the Committees on Ethics and Elections; and Rules and Calendar.

On motion by Senator Posey by two-thirds vote—

HB 1323—A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers' reports; amending s. 106.22, F.S.; providing for rules prescribing requirements

for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing effective dates.

—a companion measure, was substituted for **SB 1420** and read the second time by title.

On motion by Senator Posey, by two-thirds vote **HB 1323** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Crist

HB 395—A bill to be entitled An act relating to public records exemptions for specified information relating to airports; amending s. 331.22, F.S., which provides exemptions from public records requirements for airport security plans of an aviation authority or county or municipal aviation department and for other material that depicts critical airport operating facilities; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 395** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Crist

SB 30—A bill to be entitled An act relating to the Monroe County School District; providing for the relief of Joshua England, a minor, authorizing and directing the District School Board of Monroe County to compensate Joshua England for personal injuries that he suffered due

to the negligence of school board employees; providing for the use of such funds; providing for forfeiture and reversion of the funds; providing for trustee qualifications; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Jones, **SB 30** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Webster

Vote after roll call:

Yea—Crist

Yea to Nay—King

CS for SB 1580—A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring the Governor in consultation with the Attorney General to report by a date certain on the status of the tobacco settlement agreement and the formula for calculating the annual payments; requiring the Comptroller to request information from the tobacco industry which are used to calculate the annual payments and to verify such information; requiring the Comptroller to notify the Governor, the Senate and the House of Representatives of any overpayment or underpayment; authorizing any refund of overpayment subject to approval by Legislative Budget Commission; requiring Comptroller to request balance of any underpayment; directing Attorney General to institute action to collect unpaid underpayment; requiring the Auditor General to annually review State's process for verification of representations, to confirm that settlement payments are being made in accordance with the settlement agreement and to report to the Governor, the Legislature and the Attorney General regarding such confirmation; providing an appropriation; providing effective dates.

—as amended May 1 was read the third time by title.

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

Amendment 1 (440552)—On page 4, line 15, insert:

Section 3. This act shall take effect upon becoming a law.

On motion by Senator Burt, **CS for SB 1580** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Crist

CS for HB 563—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; providing for a portion of unappropriated funds to be deposited into the endowment fund; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator King, **CS for HB 563** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for SB 466** was deferred.

HB 1519—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **HB 1519** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 489—A bill to be entitled An act relating to high-speed rail; creating the High-Speed Rail Commission; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a required report; directing the Department of Transportation to begin collecting and organizing existing data on high-speed rail systems; providing an appropriation; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Sebesta, **HB 489** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Klein

Vote after roll call:

Yea to Nay—Smith

CS for SB 1268—A bill to be entitled An act relating to motorized scooters; amending s. 316.003; defining the term “motorized scooter”; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Wasserman Schultz, **CS for SB 1268** as amended was passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—8

Bronson	Cowin	Horne	Pruitt
Clary	Crist	Laurent	Saunders

Vote after roll call:

Nay—King

Consideration of **CS for CS for SB's 336 and 190** was deferred.

CS for SB 1848—A bill to be entitled An act relating to public records; providing an exemption from the public-records law for reports of liability claims involving nursing homes and assisted living facilities that are provided to the Agency for Health Care Administration as required by law; providing a finding of public necessity; providing a contingent effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 1848** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

HB 69—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing “medically necessary” on the prescription; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 69** was passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—9

Cowin	Lawson	Sanderson	Villalobos
Holzendorf	Pruitt	Saunders	Webster
Horne			

Vote after roll call:

Yea to Nay—Carlton

CS for CS for SB 784—A bill to be entitled An act relating to consumer protection; amending s. 400.925, F.S.; revising definitions; amending s. 400.93, F.S.; exempting providers of home medical equipment operated by the Department of Health from certain licensure requirements; amending s. 427.802, F.S.; revising definitions; amending s. 427.803, F.S.; revising warranty requirements; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to the registration of assistive technology device dealers; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; redefining the term “agency”; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; revising statements that must be placed in disclosure documents; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; reenacting s. 559.815, F.S., relating to penalties for violations of s. 559.809, F.S.; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing for severability; creating s.

501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing effective dates.

—as amended May 1 was read the third time by title.

On motion by Senator Geller, **CS for CS for SB 784** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 2024—A bill to be entitled An act relating to funding for the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing for dismissal of violations of boating safety identification card possession requirements under certain conditions; providing a fee; amending s. 328.72, F.S.; specifying source of the county portion of vessel registration fees; providing for the return of certain vessel registration fees to the vessel owner's county of Florida residence; amending s. 328.76, F.S.; clarifying provisions relating to distribution and uses of funds in the Marine Resources Conservation Trust Fund; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; renumbering and amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collector's return of unissued tags; deleting provisions relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 370.0603, F.S.; specifying the uses of designated funds deposited into the Marine Resources Conservation Trust Fund; renumbering and amending s. 370.0608, F.S.; providing for the deposit of licenses and fees into the Marine Resources Conservation Trust Fund; revising purposes for which

licenses and fees may be used; renumbering and amending s. 370.0609, F.S.; providing for the expenditure of funds through grants and contracts to specified research institutions; amending s. 370.13, F.S.; renaming depredation endorsements as depredation permits; providing permit requirements; amending s. 370.19, F.S.; providing for legislative appointments to the Atlantic States Marine Fisheries commission; amending s. 370.20, F.S. providing for legislative appointments to the Gulf States Marine Fisheries Commission; amending s. 370.25, F.S.; transferring the responsibilities for issuing artificial-reef permits to the Department of Environmental Protection; amending s. 372.105, F.S.; revising provisions relating to sources and uses of funds in the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; specifying distribution of certain funds in the Dedicated License Trust Fund; amending s. 372.16, F.S.; increasing the license fee for private game preserves and farms; amending s. 372.561, F.S.; revising provisions relating to issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees and requirements; amending s. 372.57, F.S.; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; creating an annual gold sportsman's license; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees therefor; providing for snook permits and crawfish permits, and uses thereof; amending ss. 370.063, 372.571, 372.5712, 372.5715, 372.5717, 372.573, and 372.65, F.S.; correcting cross-references; deleting obsolete language; amending s. 372.574, F.S.; revising subagent duties and reporting requirements; amending s. 372.661, F.S.; increasing the license fee for a private hunting preserve; amending s. 372.711, F.S.; providing for dismissal of violations of license or permit possession requirements, under certain conditions; providing a fee; reenacting s. 372.83(1)(h), F.S.; reenacting a provision referencing penalties for violations of hunting, fishing, and trapping license requirements; amending s. 372.921, F.S.; including amphibians in provisions relating to exhibition of wildlife; increasing permit fees; providing rulemaking authority; amending s. 372.922, F.S.; requiring a permit for personal possession of wildlife by an exhibitor or seller; providing a fee exemption; amending s. 374.977, F.S.; conforming the responsibilities for posting and maintaining regulatory waterway markers with the transfer of duties to the Fish and Wildlife Conservation Commission; amending s. 705.101, F.S.; including derelict vessels within the definition of "abandoned property"; amending ss. 212.06 and 215.20, F.S.; correcting cross-references; encouraging the release and feeding of certain quail; repealing s. 370.0605, F.S., relating to saltwater fishing licenses and fees; repealing s. 370.0615, F.S., relating to lifetime saltwater fishing licenses; repealing s. 370.1111, F.S., relating to snook fishing permits; repealing s. 370.14(10) and (11), F.S., relating to recreational crawfish taking permits and issuance of a crawfish stamp; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Pruitt, **CS for SB 2024** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Posey

CS for HB 9—A bill to be entitled An act relating to pollution control; amending s. 165.061, F.S.; providing for the continuation of existing solid waste contracts; requiring written evidence of the duration of the

contract within a specified timeframe; amending s. 403.061, F.S.; providing rule-making authority; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Bronson, **CS for HB 9** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for CS for SB 2120** was deferred.

SB 1148—A bill to be entitled An act relating to operations of correctional work programs; revising provisions relating to leased or managed work programs to conform to current operations and applications; amending ss. 946.502, 946.5025, 946.5026, 946.503, 946.506, 946.509, 946.511, 946.514, 946.516, 946.518, 946.520, F.S.; conforming internal cross-references; deleting obsolete provisions; clarifying a definition; changing a reporting date; amending s. 957.04, F.S., to conform a cross-reference; providing a declaration of important state interest; creating s. 946.525, F.S.; establishing participation requirements; providing an effective date.

—as amended May 1 was read the third time by title.

Senator Crist moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (540540)(with title amendment)—On page 10, between lines 19 and 20, insert:

Section 16. Subsection (2) of section 948.09, Florida Statutes, is amended to read:

948.09 Payment for cost of supervision and rehabilitation.—

(2) Any person being electronically monitored by the department as a result of placement on community control shall be required to pay as a ~~\$1-per-day~~ surcharge *an amount that may not exceed the full cost of the monitoring service* in addition to the cost of supervision fee as directed by the sentencing court. The surcharge shall be deposited in the Operating Trust Fund to be used by the department for purchasing and maintaining electronic monitoring devices.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the second semicolon (;) insert: amending s. 948.09, F.S.; revising the amount of the surcharge paid to the Department of Corrections by offenders placed on community control;

Amendment 2 (445138)—In title, on page 1, lines 2 and 3, delete “operations of correctional work programs” and insert: corrections

On motion by Senator Crist, **SB 1148** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

ADOPTION OF RESOLUTIONS

On motion by Senator Sullivan—

By Senator Sullivan—

SR 2394—A resolution honoring Sheila Ann Hill for more than 15 years of dedicated service to the Florida Legislature.

WHEREAS, Sheila Ann Hill commenced working for the House of Representatives in March 1986 and moved to the Senate Education Committee early in 1995, and

WHEREAS, Sheila Ann Hill has worked for the Legislature for more than 15 years, and

WHEREAS, Sheila Ann Hill has tirelessly served the Florida Senate with an incomparable work ethic, always producing work of the highest quality and clarity, and

WHEREAS, Sheila Ann Hill has always gone the extra mile, such as remaining at work during the entire 1997 special session on educational facilities, and

WHEREAS, Sheila Ann Hill is a warm and loving person whose heart and home have always been open to the stray, sick, and injured, whether it be a bird or other animal or a young person in need of a temporary safe haven, and

WHEREAS, Sheila Ann Hill has been physically unable to continue working due to illness, and

WHEREAS, Sheila Ann Hill is loved and sorely missed by her co-workers and friends in the Education Committee and the Florida Senate, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to extend its thoughts and prayers to Sheila at this time and that the Florida Senate in session assembled does hereby record this testimonial of love and appreciation.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Sheila Ann Hill as a tangible token of the sentiments of the members and staff of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Sullivan, **SR 2394** was read the second time in full and adopted.

MOTION

On motion by Senator Sullivan, the following remarks were ordered spread upon the Journal:

Senator Sullivan: Mr. President and members, on television today watching this from her home is Sheila Hill. I had the good fortune to meet Sheila in 1995, six years ago; it hardly seems possible. She came to us from the House where she was on the Education staff. She was one of our hardest workers, but she was also one of our happiest workers. She was a wonderful person who worked night and day. In the Special

Session, at one point she never went home throughout the entire session as she was so dedicated to her work. Sheila worked for us, and unfortunately, several years ago had the misfortune that all of us fear in our hearts that would happen to us. Within a period of eighteen months, she had three separate serious diseases and two operations. She has never been able to return back to the Senate and the Legislature, a place that she loved. She's at home today as I understand it, still very ill, confined to her house. We wanted to take this opportunity to greet her, wave at her, let her see that all of her friends wish her the best, offer our prayers, and say that we miss her.

I don't want to go on too long with this because Sheila is a direct, to-the-point type person. But there is a true story about a fellow who was in Viet Nam who was shot down in combat. He was shot down in enemy territory. Over a long period of time, he was able to survive and eventually make it back. Many years later, he was in a restaurant when a man walked up to him and introduced himself and said, "I know you. I'm the guy that packed the parachute that you used the day that you went down." Of course, there was a reunion and everything. The point of the story is that after this reunion, he started to think about how his life depended upon the man who packed his parachute. He said, "You know I walked by that man everyday. He was down in the lower parts of the ship working. I don't know how many people's lives he saved, but I didn't ever say hello to him. I didn't ever get a chance to thank him. We just kind of took it for granted that he was there and he was doing his job."

Well, you know every once in a while in this process, we have to slow down the train and stop and thank the people who have helped us. We are kind of family up here and Sheila was part of our family. She has had the worst luck and the worst problems that any of us could face, and I'm told that she remains cheerful and happy. She has always been a very generous person. She was a foster parent for animals for a local veterinarian. She has two children of her own.

Sheila, we are all sitting here on the floor. The staff of the Education Committee is here. We are all thinking about you. You have our best wishes and our prayers. We have this Resolution which is an insufficient symbol of our affection for you and what you mean to us. And Sheila, thank you for all your years of hard work, and our best wishes and all our prayers be with you. Thank you, Mr. President.

Mr. President: Well said, Senator from the twenty-second.

Senator Cowin: When I came into the Senate, obviously being on the Education Committee was very important to me. When I chaired it, I really did look to staff. Sheila, you really did provide a lot of guidance. I fear that the staff there, and especially Sheila, had worked through all the pain that she was having. And nobody really knew at the time. There she was, still plugging away and taking a few days off here and there just to gather herself together, but she was always there for us. Sheila, you are truly loved. We certainly miss your work and certainly miss you and your smile.

Senator Wasserman Schultz: Thank you, Mr. President. I've been a part of the legislative process for thirteen years and served as a staff person as well. My experience with Sheila was during the special legislative session on school overcrowding. As a member of the minority on the House side, that session was a little rough for someone who kind of swung from the treetops during that special session and thought very strongly about some of the things that were going on there. I think all of us have experienced relationships with staff on different levels. You know how sometimes a staff person who's working just as hard as you, but sees the frustration on your face, and the difficulty that you are having, and just kind of touches your elbow and says, "Hang in there, don't worry." That's the kind of thing that Sheila did and would still do if she were here. She did that for me. She always gave you an encouraging word, made you feel like you were here for a reason, and she was standing right there with you backing you up. I didn't know she was suffering. I'm very sorry for it. I'm just so glad that the Senator from the twenty-second has done this for her on the floor this afternoon.

Senator Pruitt: Thank you, Mr. President and Senators. I want to say a few words on behalf of our extremely professional and very capable Education staff who do a wonderful job for us, just like all of our professional staff. You know our Sheila Hill exemplifies what is really the strength of this body. They are all professionals who day-in and day-out sacrifice, many times their families, to make sure that we look good. Sheila Hill is one of those individuals who will go the extra mile and do whatever it takes to make sure the job gets done.

I remember as a freshman in 1991 in the House, I came on with these wild-haired ideas and brought these charts with me. I thought they would work. While some laughed at me, Sheila Hill always told me to persevere and to keep moving forward. That is the type of person that she is. You know when you look at what Sheila Hill is all about, she is about dedication. She is about loyalty. She is one of the most inspiring souls that I have had the pleasure to work with. She is all that is good in life. When you look at what she has brought to so many children and so many families throughout this state, she has provided these children with hope for the future and an opportunity to succeed. She has left her mark on so many children throughout this state, and they are all much better off for it. I know that Florida is a better state because of Sheila Hill. Sheila, we can't replace you. There is absolutely no way. You are such an integral part. I want you to know that you have not only left your mark, but also a lasting legacy on the children of Florida and also on the Legislature as well. God speed.

Mr. President: Members and guests in the gallery, we love our staff dearly. There is much that we would not accomplish on behalf of the people of the state if it were not for our staff. We thank the Senator from the twenty-second for bringing this resolution to the floor. It's an honor for me to preside over this Chamber at a time when we are recognizing one of our staff. Our thoughts and prayers are with you, Sheila, and we wish you well.

BILLS ON THIRD READING, continued

CS for CS for SB 1196—A bill to be entitled An act relating to sentencing; amending ss. 921.002, 921.0024, F.S.; providing for the state attorney and the defendant to waive preparation of the scoresheet and for the judge to proceed with sentencing; requiring that the scoresheet be submitted to the judge within a specified period following sentencing; deleting a requirement that the Department of Corrections prepare a defendant's sentencing scoresheet under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for CS for SB 1196** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 136—A bill to be entitled An act relating to sex crimes; amending ss. 794.011, 796.07, 800.04, 825.1025, 827.071, 847.001, F.S., relating to sexual battery, prostitution, lewd or lascivious offenses, sexual performance by a child, and obscene literature and other material; defining the terms "vaginal" and "vagina" for purposes of laws defining certain prohibited sexual activities; amending s. 794.022, F.S.; providing for certain rules of evidence applicable to the criminal prosecution of the crime of sexual battery to apply in any civil action brought under the Florida Civil Rights Act involving the perpetration or alleged perpetration of such crime; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Campbell, **SB 136** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

CS for CS for SB 2156—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing a domestic-abuse course; amending s. 456.033, F.S.; allowing licensees under ch. 466, F.S., to complete a course designated by the Board of Dentistry, rather than a course in end-of-life care and palliative care, as an alternative to completing certain instruction on human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 765.101, F.S.; redefining the term “end-stage condition”; amending s. 765.102, F.S.; prescribing the content and suitability of palliative care; amending s. 765.205, F.S.; prescribing the standards of decision-making which are to be used in certain circumstances by health surrogates and by proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking which are to be used in certain circumstances by proxies; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for CS for SB 2156** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 157—A bill to be entitled An act relating to Motor Vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **CS for HB 157** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 958—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; providing an effective date.

—as amended May 1 was read the third time by title.

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

Amendment 1 (755706)(with title amendment)—On page 1, line 26, insert:

Section 1. Subsection (1) of section 455.213, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) *Any submission required to be in writing may be made by electronic means.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the first semicolon (;) insert: amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; provides for electronic submission;

On motion by Senator Sullivan, further consideration of **SB 958** as amended was deferred.

Consideration of **CS for SB 1256** was deferred.

CS for CS for SB 1346—A bill to be entitled An act relating to behavioral health care service; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health

Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rule-making authority; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB 1346** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Garcia, Peaden

The Senate resumed consideration of—

SB 958—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 473.313, F.S.; providing authority for the reinstatement of certain licensees in public accountancy whose licenses have become void; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Sullivan, **SB 958** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Sebesta	Smith	Villalobos	Webster
Silver	Sullivan	Wasserman Schultz	
Nays—None			

CS for SB 1530—A bill to be entitled An act relating to financial settlements; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9921, F.S.; providing for approval of forms; amending s. 626.99235, F.S.; providing for applicability; amending s. 626.99236, F.S.; requiring certain purchases to be handled by an independent third-party trustee; amending s. 626.9924, F.S.; revising procedures for tracking the insured; amending s. 626.99245, F.S.; clarifying the application of licensure requirements to viatical settlement providers; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing an interested party to bring an action for injunctive relief; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Geller, **CS for SB 1530** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Sanderson

CS for SB 1568—A bill to be entitled An act relating to health care service programs; amending s. 641.51, F.S.; requiring that only certain physicians licensed in this state may render adverse determinations for health maintenance organizations and prepaid health clinics; clarifying the authority of the Board of Medicine and the Board of Osteopathic Medicine; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 1568** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Silver Sullivan Wasserman Schultz Webster
Smith Villalobos
Nays—None

Silver Sullivan Wasserman Schultz Webster
Smith Villalobos
Nays—None

CS for SB 1640—A bill to be entitled An act relating to education; providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Clary, **CS for SB 1640** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Brown-Waite

CS for SB 1724—A bill to be entitled An act relating to children and families; creating s. 409.9072, F.S.; requiring the Agency for Health Care Administration to develop mechanisms for certification of local funds as state match for Medicaid projects, to maximize federal Title XIX funding for children and families; providing for return of funds to the local entities; requiring prior approval of local projects by the agency and the Department of Children and Family Services; specifying project requirements; providing for modification of the Medicaid state plan; providing for federal waivers; providing responsibilities of the agency with respect to administrative and service costs, monitoring of service delivery, and standards and quality of care; authorizing the department and the agency to adopt rules; requiring an annual report; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **CS for SB 1724** was passed and certified to the House. The vote on passage was:

Yeas—38

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

On motion by Senator Carlton, by two-thirds vote **HB 1981** was withdrawn from the Committee on Finance and Taxation.

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

HB 1981—A bill to be entitled An act relating to tax administration; amending s. 45.031, F.S.; providing for notice of disbursement of the proceeds of a judicial sale to the Department of Revenue under certain conditions when it was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation; amending s. 69.041, F.S.; authorizing the department to participate in the distribution of surplus funds remaining after such disbursement when it has an interest in an unemployment compensation tax lien pursuant to such a contract; amending s. 212.08, F.S.; reducing the maximum amount of the tax which is imposed upon industrial machinery and equipment; amending s. 213.053, F.S.; providing application of confidentiality and information sharing provisions to ch. 443, F.S., while the department is performing such tax collection services; amending s. 11, ch. 2000-165, Laws of Florida; specifying that the department is administering a revenue law when it provides such tax collection services and specifying the provisions of ch. 213, F.S., that apply thereto; amending s. 201.02, F.S.; providing that the documentary stamp tax on deeds and other instruments relating to real property or interests in real property does not apply to a contract to sell the residence of an employee relocating at an employer's direction, or related documents, under specified circumstances; providing intent; exempting deeds and other instruments whereby property is conveyed from an electric utility to a regional transmission organization from said tax under certain circumstances; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" payments made by such an organization to an electric utility under certain conditions; 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. 212.06, F.S.; revising the definition of "fixtures" for purposes of determining if a person is improving real property under ch. 212, F.S.; providing intent; amending s. 212.08, F.S.; specifying conditions for receipt of sales tax exemptions provided to an entity under ch. 212, F.S., and subsection (7) of said section; providing for retroactive application; deleting obsolete provisions relating to registration with the WAGES Program Business Registry; providing for retroactive application; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk driving prevention, and juvenile delinquency prevention services; providing for determination of a mileage apportionment factor for the first year of operation in this state of vessels, railroads, or motor vehicles engaged in interstate or foreign commerce and entitled to a partial sales tax exemption; correcting references; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the vendor instead of the department for purposes of the sales tax exemption for machinery and equipment used to produce electrical or steam energy; providing for retroactive application; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; replacing the definitions of "section 38 property" with express definitions of "industrial machinery and equipment" and "motion picture or video equipment" and "sound recording equipment" for purposes of the sales tax exemptions therefor; providing intent and purpose; providing that provisions authorizing a partial sales tax exemption for a motor vehicle sold to a resident of another state do not require payment of tax to this state for prior assessments under certain conditions; providing for retroactive application; providing that a vehicle purchased by a nonresident corporation or partnership is not eligible for the partial sales tax exemption under certain circumstances; repealing s. 212.084(6), F.S.; eliminating provisions for temporary sales tax exemption certificates for newly organized charitable organizations; repealing s. 4, ch. 96-395, Laws of Florida, which provides for the repeal of sales tax exemptions for certain citizen support organizations and the Florida Folk Festival; providing for retroactive application; amending s. 213.285, F.S.; delaying the future repeal of the certified audits project; amending ss. 213.053 and 213.21, F.S., to conform; amending s. 213.30, F.S., relating to compensation for information relating to a violation of tax laws; specifying that said section is the

only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; providing applicability; repealing s. 213.27(9), F.S., which authorizes the department 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 the agreement must require each state to abide by certain requirements in order for the department to enter into the agreement; authorizing the state to enter into multistate discussions and providing for appointment of delegates; specifying relationship of the agreement to state law; specifying the effect of the agreement with respect to persons other than member states; providing that government actions or state laws cannot be challenged on the basis of inconsistency with the agreement; providing liabilities and responsibilities of sellers, certified service providers, and providers of certified automated systems; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature regarding compliance with the agreement; reviving and readopting s. 215.20(3), F.S., which provides for deduction of a service charge from certain trust funds; amending s. 220.22, F.S.; eliminating the initial year's corporate tax information return for subchapter S subsidiaries and directing the department to designate by rule entities that are not required to file a corporate tax return; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; 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; repealing s. 624.509(10), F.S., which provides an exemption from the insurance premium tax for insurers who write monoline flood insurance policies not subsidized by the Federal Government; providing effective dates.

—a companion measure, was substituted for **CS for SB 1978** as amended and by two-thirds vote read the second time by title.

Senator Carlton moved the following amendment which was adopted:

Amendment 1 (402018)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Subsection (6) of section 212.084, Florida Statutes, is repealed.*

Section 2. Effective July 1, 2001, paragraph (a) of subsection (4) and subsection (7) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

(a) Also exempt are:

1. Water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes. The sale of drinking water in bottles, cans, or other containers, including water that contains minerals or carbonation in its natural state or water to which minerals have been added at a water treatment facility regulated by the Department of Environmental Protection or the Department of Health, is exempt. This exemption does not apply to the sale of drinking water in bottles, cans, or other containers if carbonation, ~~minerals,~~ or flavorings, except those added at a water treatment facility, have been added. *Water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings is also exempt.*

2. All fuels used by a public or private utility, including any municipal corporation or rural electric cooperative association, in the generation of electric power or energy for sale. Fuel other than motor fuel and diesel fuel is taxable as provided in this chapter with the exception of fuel expressly exempt herein. Motor fuels and diesel fuels are taxable as provided in chapter 206, with the exception of those motor fuels and diesel fuels used by railroad locomotives or vessels to transport persons or property in interstate or foreign commerce, which are taxable under this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's railroad locomotives or vessels that were used in interstate or foreign commerce and that had at least some Florida mileage during the previous fiscal year of the carrier, such ratio to be determined at the close of the fiscal year of the carrier. This ratio shall be applied each month to the total Florida purchases made in this state of motor and diesel fuels to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax shall be set forth in s. 212.054. Fuels used exclusively in intrastate commerce do not qualify for the proration of tax.

3. The transmission or wheeling of electricity.

(7) MISCELLANEOUS EXEMPTIONS.—*Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and must pay the tax. The department may adopt rules to administer this subsection.*

(a) Artificial commemorative flowers.—Exempt from the tax imposed by this chapter is the sale of artificial commemorative flowers by bona fide nationally chartered veterans' organizations.

(b) Boiler fuels.—When purchased for use as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material, coal, sulfur, wood, wood residues or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state are exempt from the taxes imposed by this chapter; however, such exemption shall not be allowed unless the purchaser signs a certificate stating that the fuel to be exempted is for the exclusive use designated herein. This exemption does not apply to the use of boiler fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale, or to the use of boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(c) Crustacea bait.—Also exempt from the tax imposed by this chapter is the purchase by commercial fishers of bait intended solely for use in the entrapment of *Callinectes sapidus* and *Menippe mercenaria*.

(d) Feeds.—Feeds for poultry, ostriches, and livestock, including racehorses and dairy cows, are exempt.

(e) Film rentals.—Film rentals are exempt when an admission is charged for viewing such film, and license fees and direct charges for films, videotapes, and transcriptions used by television or radio stations or networks are exempt.

(f) Flags.—Also exempt are sales of the flag of the United States and the official state flag of Florida.

(g) Florida Retired Educators Association and its local chapters.—Also exempt from payment of the tax imposed by this chapter are purchases of office supplies, equipment, and publications made by the Florida Retired Educators Association and its local chapters.

(h) Guide dogs for the blind.—Also exempt are the sale or rental of guide dogs for the blind, commonly referred to as "seeing-eye dogs," and the sale of food or other items for such guide dogs.

1. The department shall issue a consumer's certificate of exemption to any blind person who holds an identification card as provided for in s. 413.091 and who either owns or rents, or contemplates the ownership or rental of, a guide dog for the blind. The consumer's certificate of exemption shall be issued without charge and shall be of such size as to be capable of being carried in a wallet or billfold.

2. The department shall make such rules concerning items exempt from tax under the provisions of this paragraph as may be necessary to provide that any person authorized to have a consumer's certificate of exemption need only present such a certificate at the time of paying for exempt goods and shall not be required to pay any tax thereon.

(i) Hospital meals and rooms.—Also exempt from payment of the tax imposed by this chapter on rentals and meals are patients and inmates of any hospital or other physical plant or facility designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated, or otherwise dependent on special care or attention. Residents of a home for the aged are exempt from payment of taxes on meals provided through the facility. A home for the aged is defined as a facility that is licensed or certified in part or in whole under chapter 400 or chapter 651, or that is 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), s. 232, or s. 236 of the National Housing Act, or other such similar facility designed and operated primarily for the care of the aged.

(j) Household fuels.—Also exempt from payment of the tax imposed by this chapter are sales of utilities to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, and sales of fuel to residential households or owners of residential models, including oil, kerosene, liquefied petroleum gas, coal, wood, and other fuel products used in the household or residential model for the purposes of heating, cooking, lighting, and refrigeration, regardless of whether such sales of utilities and fuels are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the utility or fuel is used for a nonexempt purpose, the entire sale is taxable. The landlord shall provide a separate meter for nonexempt utility or fuel consumption. For the purposes of this paragraph, licensed family day care homes shall also be exempt.

(k) Meals provided by certain nonprofit organizations.—There is exempt from the tax imposed by this chapter the sale of prepared meals by a nonprofit volunteer organization to handicapped, elderly, or indigent persons when such meals are delivered as a charitable function by the organization to such persons at their places of residence.

(l) Organizations providing special educational, cultural, recreational, and social benefits to minors.—Also exempt from the tax imposed by this chapter are sales or leases to and sales of donated property by nonprofit organizations which are incorporated pursuant to chapter 617 the primary purpose of which is providing activities that contribute to the development of good character or good sportsmanship, or to the educational or cultural development, of minors. This exemption is extended only to that level of the organization that has a salaried executive officer or an elected nonsalaried executive officer. For the purpose of this paragraph, the term "donated property" means any property transferred to such nonprofit organization for less than 50 percent of its fair market value.

(m) Religious institutions.—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases directly to religious institutions when used in carrying on their customary nonprofit religious activities or sales or leases of tangible personal property by religious institutions having an established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

2. As used in this paragraph, the term "religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes nonprofit state, nonprofit district, or other nonprofit governing or administrative offices the function of which is to assist or regulate the customary activities of religious

institutions. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, the primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, the sole or primary function of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administrative assistance, or missionary assistance for a church, synagogue, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.

(n) Veterans' organizations.—

1. There are exempt from the tax imposed by this chapter transactions involving sales or leases to qualified veterans' organizations and their auxiliaries when used in carrying on their customary veterans' organization activities.

2. As used in this paragraph, the term "veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code of 1986, as amended.

(o) Schools, colleges, and universities.—Also exempt from the tax imposed by this chapter are sales or leases to state tax-supported schools, colleges, or universities.

(p) Section 501(c)(3) organizations.—Also exempt from the tax imposed by this chapter are sales or leases to organizations determined by the Internal Revenue Service to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, when such leases or purchases are used in carrying on their customary nonprofit activities.

(q) Resource recovery equipment.—Also exempt is resource recovery equipment which is owned and operated by or on behalf of any county or municipality, certified by the Department of Environmental Protection under the provisions of s. 403.715.

(r) School books and school lunches.—This exemption applies to school books used in regularly prescribed courses of study, and to school lunches served in public, parochial, or nonprofit schools operated for and attended by pupils of grades K through 12. Yearbooks, magazines, newspapers, directories, bulletins, and similar publications distributed by such educational institutions to their students are also exempt. School books and food sold or served at community colleges and other institutions of higher learning are taxable.

(s) Tasting beverages.—Vinous and alcoholic beverages provided by distributors or vendors for the purpose of "wine tasting" and "spirituous beverage tasting" as contemplated under the provisions of ss. 564.06 and 565.12, respectively, are exempt from the tax imposed by this chapter.

(t) Boats temporarily docked in state.—

1. Notwithstanding the provisions of chapter 328, pertaining to the registration of vessels, a boat upon which the state sales or use tax has not been paid is exempt from the use tax under this chapter if it enters and remains in this state for a period not to exceed a total of 20 days in any calendar year calculated from the date of first dockage or slippage at a facility, registered with the department, that rents dockage or slippage space in this state. If a boat brought into this state for use under this paragraph is placed in a facility, registered with the department, for repairs, alterations, refitting, or modifications and such repairs, alterations, refitting, or modifications are supported by written documentation, the 20-day period shall be tolled during the time the boat is physically in the care, custody, and control of the repair facility, including the

time spent on sea trials conducted by the facility. The 20-day time period may be tolled only once within a calendar year when a boat is placed for the first time that year in the physical care, custody, and control of a registered repair facility; however, the owner may request and the department may grant an additional tolling of the 20-day period for purposes of repairs that arise from a written guarantee given by the registered repair facility, which guarantee covers only those repairs or modifications made during the first tolled period. Within 72 hours after the date upon which the registered repair facility took possession of the boat, the facility must have in its possession, on forms prescribed by the department, an affidavit which states that the boat is under its care, custody, and control and that the owner does not use the boat while in the facility. Upon completion of the repairs, alterations, refitting, or modifications, the registered repair facility must, within 72 hours after the date of release, have in its possession a copy of the release form which shows the date of release and any other information the department requires. The repair facility shall maintain a log that documents all alterations, additions, repairs, and sea trials during the time the boat is under the care, custody, and control of the facility. The affidavit shall be maintained by the registered repair facility as part of its records for as long as required by s. 213.35. When, within 6 months after the date of its purchase, a boat is brought into this state under this paragraph, the 6-month period provided in s. 212.05(1)(a)2. or s. 212.06(8) shall be tolled.

2. During the period of repairs, alterations, refitting, or modifications and during the 20-day period referred to in subparagraph 1., the boat may be listed for sale, contracted for sale, or sold exclusively by a broker or dealer registered with the department without incurring a use tax under this chapter; however, the sales tax levied under this chapter applies to such sale.

3. The mere storage of a boat at a registered repair facility does not qualify as a tax-exempt use in this state.

4. As used in this paragraph, "registered repair facility" means:

a. A full-service facility that:

(I) Is located on a navigable body of water;

(II) Has haulout capability such as a dry dock, travel lift, railway, or similar equipment to service craft under the care, custody, and control of the facility;

(III) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(IV) Has necessary shops and equipment to provide repair or warranty work on vessels under the care, custody, and control of the facility;

b. A marina that:

(I) Is located on a navigable body of water;

(II) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(III) Has necessary shops and equipment to provide repairs or warranty work on vessels; or

c. A shoreside facility that:

(I) Is located on a navigable body of water;

(II) Has adequate piers and storage facilities to provide safe berthing of vessels in its care, custody, and control; and

(III) Has necessary shops and equipment to provide repairs or warranty work.

(u) Volunteer fire departments.—Also exempt are firefighting and rescue service equipment and supplies purchased by volunteer fire departments, duly chartered under the Florida Statutes as corporations not for profit.

(v) Professional services.—

1. Also exempted are professional, insurance, or personal service transactions that involve sales as inconsequential elements for which no separate charges are made.

2. The personal service transactions exempted pursuant to subparagraph 1. do not exempt the sale of information services involving the furnishing of printed, mimeographed, or multigraphed matter, or matter duplicating written or printed matter in any other manner, other than professional services and services of employees, agents, or other persons acting in a representative or fiduciary capacity or information services furnished to newspapers and radio and television stations. As used in this subparagraph, the term "information services" includes the services of collecting, compiling, or analyzing information of any kind or nature and furnishing reports thereof to other persons.

3. This exemption does not apply to any service warranty transaction taxable under s. 212.0506.

4. This exemption does not apply to any service transaction taxable under s. 212.05(1)(j).

(w) Certain newspaper, magazine, and newsletter subscriptions, shoppers, and community newspapers.—Likewise exempt are newspaper, magazine, and newsletter subscriptions in which the product is delivered to the customer by mail. Also exempt are free, circulated publications that are published on a regular basis, the content of which is primarily advertising, and that are distributed through the mail, home delivery, or newsstands. The exemption for newspaper, magazine, and newsletter subscriptions which is provided in this paragraph applies only to subscriptions entered into after March 1, 1997.

(x) Sporting equipment brought into the state.—Sporting equipment brought into Florida, for a period of not more than 4 months in any calendar year, used by an athletic team or an individual athlete in a sporting event is exempt from the use tax if such equipment is removed from the state within 7 days after the completion of the event.

(y) Charter fishing vessels.—The charge for chartering any boat or vessel, with the crew furnished, solely for the purpose of fishing is exempt from the tax imposed under s. 212.04 or s. 212.05. This exemption does not apply to any charge to enter or stay upon any "head-boat," party boat, or other boat or vessel. Nothing in this paragraph shall be construed to exempt any boat from sales or use tax upon the purchase thereof except as provided in paragraph (t) and s. 212.05.

(z) Vending machines sponsored by nonprofit or charitable organizations.—Also exempt are food or drinks for human consumption sold for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit corporation qualified as nonprofit pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of 1986, as amended.

(aa) Certain commercial vehicles.—Also exempt is the sale, lease, or rental of a commercial motor vehicle as defined in s. 207.002(2), when the following conditions are met:

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;

2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and

3. Florida sales tax was paid on the acquisition of such vehicle by the seller, lessor, or renter.

(bb) Community cemeteries.—Also exempt are purchases by any nonprofit corporation that has qualified under s. 501(c)(13) of the Internal Revenue Code of 1986, as amended, and is operated for the purpose of maintaining a cemetery that was donated to the community by deed.

(cc) Works of art.—

1. Also exempt are works of art sold to or used by an educational institution.

2. This exemption also applies to the sale to or use in this state of any work of art by any person if it was purchased or imported exclusively for the purpose of being donated to any educational institution, or loaned to and made available for display by any educational institution, provided that the term of the loan agreement is for at least 10 years.

3. The exemption provided by this paragraph for donations is allowed only if the person who purchased the work of art transfers title to the donated work of art to an educational institution. Such transfer of

title shall be evidenced by an affidavit meeting requirements established by rule to document entitlement to the exemption. Nothing in this paragraph shall preclude a work of art donated to an educational institution from remaining in the possession of the donor or purchaser, as long as title to the work of art lies with the educational institution.

4. A work of art is presumed to have been purchased in or imported into this state exclusively for loan as provided in subparagraph 2., if it is so loaned or placed in storage in preparation for such a loan within 90 days after purchase or importation, whichever is later; but a work of art is not deemed to be placed in storage in preparation for loan for purposes of this exemption if it is displayed at any place other than an educational institution.

5. The exemptions provided by this paragraph are allowed only if the person who purchased the work of art gives to the vendor an affidavit meeting the requirements, established by rule, to document entitlement to the exemption. The person who purchased the work of art shall forward a copy of such affidavit to the Department of Revenue at the time it is issued to the vendor.

6. The exemption for loans provided by subparagraph 2. applies only for the period during which a work of art is in the possession of the educational institution or is in storage before transfer of possession to that institution; and when it ceases to be so possessed or held, tax based upon the sales price paid by the owner is payable, and the statute of limitations provided in s. 95.091 shall begin to run at that time. However, tax shall not become due if the work of art is donated to an educational institution after the loan ceases.

7. Any educational institution to which a work of art has been donated pursuant to this paragraph shall make available to the department the title to the work of art and any other relevant information. Any educational institution which has received a work of art on loan pursuant to this paragraph shall make available to the department information relating to the work of art. Any educational institution that transfers from its possession a work of art as defined by this paragraph which has been loaned to it must notify the Department of Revenue within 60 days after the transfer.

8. For purposes of the exemptions provided by this paragraph, the term:

a. "Educational institutions" includes state tax-supported, parochial, church, and nonprofit private schools, colleges, or universities that conduct regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc.; nonprofit private schools that conduct regular classes and courses of study accepted for continuing education credit by a board of the Division of Medical Quality Assurance of the Department of Health; or nonprofit libraries, art galleries, performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year, and museums open to the public.

b. "Work of art" includes pictorial representations, sculpture, jewelry, antiques, stamp collections and coin collections, and other tangible personal property, the value of which is attributable predominantly to its artistic, historical, political, cultural, or social importance.

(dd) Taxicab leases.—The lease of or license to use a taxicab or taxicab-related equipment and services provided by a taxicab company to an independent taxicab operator are exempt, provided, however, the exemptions provided under this paragraph only apply if sales or use tax has been paid on the acquisition of the taxicab and its related equipment.

(ee) Aircraft repair and maintenance labor charges.—There shall be exempt from the tax imposed by this chapter all labor charges for the repair and maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight and rotary wing aircraft of more than 10,000 pounds maximum certified takeoff weight. Except as otherwise provided in this chapter, charges for parts and equipment furnished in connection with such labor charges are taxable.

(ff) Certain electricity or steam uses.—

1. Subject to the provisions of subparagraph 4., charges for electricity or steam used to operate machinery and equipment at a fixed location in this state when such machinery and equipment is used to manufacture, process, compound, produce, or prepare for shipment items of tangible personal property for sale, or to operate pollution control equipment, recycling equipment, maintenance equipment, or monitoring or control equipment used in such operations are exempt to the extent provided in this paragraph. If 75 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 100 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 75 percent but 50 percent or more of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, 50 percent of the charges for electricity or steam used at the fixed location are exempt. If less than 50 percent of the electricity or steam used at the fixed location is used to operate qualifying machinery or equipment, none of the charges for electricity or steam used at the fixed location are exempt.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

4. Such exemption shall be applied as follows:

a. Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt.

b. Beginning July 1, 1997, 40 percent of the charges for such electricity shall be exempt.

c. Beginning July 1, 1998, 60 percent of the charges for such electricity or steam shall be exempt.

d. Beginning July 1, 1999, 80 percent of the charges for such electricity or steam shall be exempt.

e. Beginning July 1, 2000, 100 percent of the charges for such electricity or steam shall be exempt.

~~5. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must first register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.~~

5.6.a. In order to determine whether the exemption provided in this paragraph from the tax on charges for electricity or steam has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Government Accountability shall monitor and report on the industries receiving the exemption.

b. The report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in this paragraph, whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so.

c. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(gg) Fair associations.—Also exempt from the tax imposed by this chapter is the sale, use, lease, rental, or grant of a license to use, made directly to or by a fair association, of real or tangible personal property; any charge made by a fair association, or its agents, for parking, admissions, or for temporary parking of vehicles used for sleeping quarters; rentals, subleases, and sublicenses of real or tangible personal property between the owner of the central amusement attraction and any owner of an amusement ride, as those terms are used in ss. 616.15(1)(b) and 616.242(3)(a), for the furnishing of amusement rides at a public fair or exposition; and other transactions of a fair association which are incurred directly by the fair association in the financing, construction, and operation of a fair, exposition, or other event or facility that is authorized by s. 616.08. As used in this paragraph, the terms “fair association” and “public fair or exposition” have the same meaning as those terms are defined in s. 616.001. This exemption does not apply to the sale of tangible personal property made by a fair association through an agent or independent contractor; sales of admissions and tangible personal property by a concessionaire, vendor, exhibitor, or licensee; or rentals and subleases of tangible personal property or real property between the owner of the central amusement attraction and a concessionaire, vendor, exhibitor, or licensee, except for the furnishing of amusement rides, which transactions are exempt.

(hh) Citizen support organizations.—Also exempt from the tax imposed by this chapter are sales or leases to nonprofit organizations that are incorporated under chapter 617 and that have been designated citizen support organizations in support of state-funded environmental programs or the management of state-owned lands in accordance with s. 20.2551, or to support one or more state parks in accordance with s. 258.015.

(ii) Florida Folk Festival.—There shall be exempt from the tax imposed by this chapter income of a revenue nature received from admissions to the Florida Folk Festival held pursuant to s. 267.16 at the Stephen Foster State Folk Culture Center, a unit of the state park system.

(jj) Solar energy systems.—Also exempt are solar energy systems or any component thereof. The Florida Solar Energy Center shall from time to time certify to the department a list of equipment and requisite hardware considered to be a solar energy system or a component thereof. This exemption is repealed July 1, 2005.

(kk) Nonprofit cooperative hospital laundries.—Also exempt from the tax imposed by this chapter are sales or leases to nonprofit organizations that are incorporated under chapter 617 and which are treated, for federal income tax purposes, as cooperatives under subchapter T of the Internal Revenue Code, whose sole purpose is to offer laundry supplies and services to their members, which members must all be exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code.

(ll) Complimentary meals.—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged room rate by any person offering for rent or lease any transient living accommodations as described in s. 509.013(4)(a) which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown. Such food or drinks are considered to be sold at retail as part of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

(mm) Nonprofit corporation conducting the correctional work programs.—Products sold pursuant to s. 946.515 by the corporation organized pursuant to part II of chapter 946 are exempt from the tax imposed by this chapter. This exemption applies retroactively to July 1, 1983.

(nn) Parent-teacher organizations, parent-teacher associations, and schools having grades K through 12.—Parent-teacher organizations and associations *the purpose of which is to raise funds for schools teaching grades K through 12 and which are qualified as educational institutions as defined by sub-subparagraph (cc)8.a.* associated with schools having grades K through 12, and schools having grades K through 12, may pay tax to their suppliers on the cost price of school materials and supplies purchased, rented, or leased for resale or rental to students in grades K through 12, of items sold for fundraising purposes, and of items sold through vending machines located on the school premises, in lieu of

collecting the tax imposed by this chapter from the purchaser. This paragraph also applies to food or beverages sold through vending machines located in the student lunchroom or dining room of a school having kindergarten through grade 12.

(oo) Mobile home lot improvements.—Items purchased by developers for use in making improvements to a mobile home lot owned by the developer may be purchased tax-exempt as a sale for resale if made pursuant to a contract that requires the developer to sell a mobile home to a purchaser, place the mobile home on the lot, and make the improvements to the lot for a single lump-sum price. The developer must collect and remit sales tax on the entire lump-sum price.

(pp) Veterans Administration.—When a veteran of the armed forces purchases an aircraft, boat, mobile home, motor vehicle, or other vehicle from a dealer pursuant to the provisions of 38 U.S.C. s. 3902(a), or any successor provision of the United States Code, the amount that is paid directly to the dealer by the Veterans Administration is not taxable. However, any portion of the purchase price which is paid directly to the dealer by the veteran is taxable.

(qq) Complimentary items.—There is exempt from the tax imposed by this chapter:

1. Any food or drink, whether or not cooked or prepared on the premises, provided without charge as a sample or for the convenience of customers by a dealer that primarily sells food product items at retail.

2. Any item given to a customer as part of a price guarantee plan related to point-of-sale errors by a dealer that primarily sells food products at retail.

The exemptions in this paragraph do not apply to businesses with the primary activity of serving prepared meals or alcoholic beverages for immediate consumption.

(rr) Donated foods or beverages.—Any food or beverage donated by a dealer that sells food products at retail to a food bank or an organization that holds a current exemption from federal corporate income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended, is exempt from the tax imposed by this chapter.

(ss) Racing dogs.—The sale of a racing dog by its owner is exempt if the owner is also the breeder of the animal.

(tt) Equipment used in aircraft repair and maintenance.—There shall be exempt from the tax imposed by this chapter replacement engines, parts, and equipment used in the repair or maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight and rotary wing aircraft of more than 10,300 pounds maximum certified takeoff weight, when such parts or equipment are installed on such aircraft that is being repaired or maintained in this state.

(uu) Aircraft sales or leases.—The sale or lease of an aircraft of more than 15,000 pounds maximum certified takeoff weight for use by a common carrier is exempt from the tax imposed by this chapter. As used in this paragraph, “common carrier” means an airline operating under Federal Aviation Administration regulations contained in Title 14, chapter I, part 121 or part 129 of the Code of Federal Regulations.

(vv) Nonprofit water systems.—Sales or leases to a not-for-profit corporation which holds a current exemption from federal income tax under s. 501(c)(4) or (12) of the Internal Revenue Code, as amended, are exempt from the tax imposed by this chapter if the sole or primary function of the corporation is to construct, maintain, or operate a water system in this state.

(ww) Library cooperatives.—Sales or leases to library cooperatives certified under s. 257.41(2) are exempt from the tax imposed by this chapter.

(xx) Advertising agencies.—

1. As used in this paragraph, the term “advertising agency” means any firm that is primarily engaged in the business of providing advertising materials and services to its clients.

2. The sale of advertising services by an advertising agency to a client is exempt from the tax imposed by this chapter. Also exempt from the tax imposed by this chapter are items of tangible personal property

such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, digital audiotapes, analog tapes, printed advertisement copies, compact discs for the purpose of recording, digital equipment, and artwork and the services used to produce those items if the items are:

a. Sold to an advertising agency that is acting as an agent for its clients pursuant to contract, and are created for the performance of advertising services for the clients;

b. Produced, fabricated, manufactured, or otherwise created by an advertising agency for its clients, and are used in the performance of advertising services for the clients; or

c. Sold by an advertising agency to its clients in the performance of advertising services for the clients, whether or not the charges for these items are marked up or separately stated.

The exemption provided by this subparagraph does not apply when tangible personal property such as film, paper, and videotapes is purchased to create items such as photographic negatives and positives, videos, films, galleys, mechanicals, veloxes, illustrations, and artwork that are sold to an advertising agency or produced in-house by an advertising agency on behalf of its clients.

3. The items exempted from tax under subparagraph 2. and the creative services used by an advertising agency to design the advertising for promotional goods such as displays, display containers, exhibits, newspaper inserts, brochures, catalogues, direct mail letters or flats, shirts, hats, pens, pencils, key chains, or other printed goods or materials are not subject to tax. However, when such promotional goods are produced or reproduced for distribution, tax applies to the sales price charged to the client for such promotional goods.

4. For items purchased by an advertising agency and exempt from tax under this paragraph, possession of an exemption certificate from the advertising agency certifying the agency's entitlement to exemption relieves the vendor of the responsibility of collecting the tax on the sale of such items to the advertising agency, and the department shall look solely to the advertising agency for recovery of tax if it determines that the advertising agency was not entitled to the exemption.

5. The exemptions provided by this paragraph apply retroactively, except that all taxes that have been collected must be remitted, and taxes that have been remitted before July 1, 1999, on transactions that are subject to exemption under this paragraph are not subject to refund.

6. The department may adopt rules that interpret or define the provisions of these exemptions and provide examples regarding the application of these exemptions.

(yy) Bullion.—The sale of gold, silver, or platinum bullion, or any combination thereof, in a single transaction is exempt if the sales price exceeds \$500. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of gold, silver, or platinum bullion and is exempt under this paragraph.

(zz) Certain repair and labor charges.—

1. Subject to the provisions of subparagraphs 2. and 3., there is exempt from the tax imposed by this chapter all labor charges for the repair of, and parts and materials used in the repair of and incorporated into, industrial machinery and equipment which is used for the manufacture, processing, compounding, production, or preparation for shipping of items of tangible personal property at a fixed location within this state.

2. This exemption applies only to industries classified under SIC Industry Major Group Numbers 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 and Industry Group Number 212. As used in this subparagraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. This exemption shall be applied as follows:

a. Beginning July 1, 1999, 25 percent of such charges for repair parts and labor shall be exempt.

b. Beginning July 1, 2000, 50 percent of such charges for repair parts and labor shall be exempt.

c. Beginning July 1, 2001, 75 percent of such charges for repair parts and labor shall be exempt.

d. Beginning July 1, 2002, 100 percent of such charges for repair parts and labor shall be exempt.

(aaa) Film and other printing supplies.—Also exempt are the following materials purchased, produced, or created by businesses classified under SIC Industry Numbers 275, 276, 277, 278, or 279 for use in producing graphic matter for sale: film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and negatives. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

(bbb) People-mover systems.—People-mover systems, and parts thereof, which are purchased or manufactured by contractors employed either directly by or as agents for the United States Government, the state, a county, a municipality, a political subdivision of the state, or the public operator of a public-use airport as defined by s. 332.004(14) are exempt from the tax imposed by this chapter when the systems or parts go into or become part of publicly owned facilities. In the case of contractors who manufacture and install such systems and parts, this exemption extends to the purchase of component parts and all other manufacturing and fabrication costs. The department may provide a form to be used by contractors to provide to suppliers of people-mover systems or parts to certify the contractors' eligibility for the exemption provided under this paragraph. As used in this paragraph, "people-mover systems" includes wheeled passenger vehicles and related control and power distribution systems that are part of a transportation system for use by the general public, regardless of whether such vehicles are operator-controlled or driverless, self-propelled or propelled by external power and control systems, or conducted on roads, rails, guidebeams, or other permanent structures that are an integral part of such transportation system. "Related control and power distribution systems" includes any electrical or electronic control or signaling equipment, but does not include the embedded wiring, conduits, or cabling used to transmit electrical or electronic signals among such control equipment, power distribution equipment, signaling equipment, and wheeled vehicles.

~~(ccc) Organizations providing crime prevention, drunk driving prevention, or juvenile delinquency prevention services.—Sales or leases to any nonprofit organization that provides crime prevention services, drunk driving prevention services, or juvenile delinquency prevention services that benefit society as a whole are exempt from the tax imposed by this chapter, if the organization holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code and the organization has as its sole or primary purpose the provision of services that contribute to the prevention of hardships caused by crime, drunk driving, or juvenile delinquency.~~

(ccc)(ddd) Florida Fire and Emergency Services Foundation.—Sales or leases to the Florida Fire and Emergency Services Foundation are exempt from the tax imposed by this chapter.

(ddd)(eee) Railroad roadway materials.—Also exempt from the tax imposed by this chapter are railroad roadway materials used in the construction, repair, or maintenance of railways. Railroad roadway materials shall include rails, ties, ballasts, communication equipment, signal equipment, power transmission equipment, and any other track materials.

~~Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.~~

Section 3. (1) *The amendments to paragraphs (ff) and (nn) of subsection (7) of section 212.08, Florida Statutes, which are made by section 2 of this act apply retroactively to July 1, 2000.*

(2) *The amendments to the introductory paragraph, to paragraph (p), and to the final, flush-left passage of subsection (7) of section 212.08, Florida Statutes, which are made by section 2 of this act are made to*

clarify rather than change existing law, and these amendments apply retroactively to January 1, 2001.

Section 4. Effective upon this act becoming a law and applying retroactively to July 1, 1996, paragraph (c) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) Machinery and equipment used in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which machinery and equipment are necessary in the production of electrical or steam energy resulting from the burning of boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.

2. In facilities where machinery and equipment are necessary to burn both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels as a percentage of electrical or steam energy from all fuels. If it is determined that 15 percent or less of all electrical or steam energy generated was produced by burning residual fuel, the full exemption shall apply. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.

3. The department may adopt rules that provide for implementation of this exemption. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the *vendor department* with an affidavit stating that the item or items to be exempted are for the use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. Purchasers with self-acrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

Section 5. Effective July 1, 2001, paragraphs (b), (d), and (f) of subsection (5) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.a. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of

\$50,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such an expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property or which does not use such machinery and equipment in spaceport activities as required by this paragraph. The exemptions provided in subparagraphs 1. and 2. shall apply to machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations only by way of a prospective credit against taxes due under chapter 211 for taxes paid under this chapter on such machinery and equipment.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means *tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities. A building and its structural components are not industrial machinery and equipment unless the*

building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment itself is replaced. Heating and air conditioning systems are not industrial machinery and equipment, unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities. ~~“section 38 property” as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided “industrial machinery and equipment” shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of spaceport activities or of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property.~~ Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. “Productive output” means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

(d) Machinery and equipment used under federal procurement contract.—

1. Industrial machinery and equipment purchased by an expanding business which manufactures tangible personal property pursuant to federal procurement regulations at fixed locations in this state are partially exempt from the tax imposed in this chapter on that portion of the tax which is in excess of \$100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the implicit productive output of the expanded business by not less than 10 percent. The percentage of increase is measured as deflated implicit productive output for the calendar year during which the installation of the machinery or equipment is completed or during which commencement of production utilizing such items is begun divided by the implicit productive output for the preceding calendar year. In no case may the commencement of production begin later than 2 years following completion of installation of the machinery or equipment.

2. The amount of the exemption allowed shall equal the taxes otherwise imposed by this chapter in excess of \$100,000 per calendar year on qualifying industrial machinery or equipment reduced by the percentage of gross receipts from cost-reimbursement type contracts attributable to the plant or operation to total gross receipts so attributable, accrued for the year of completion or commencement.

3. The exemption provided by this paragraph shall inure to the taxpayer only through refund of previously paid taxes. Such refund shall be made within 30 days of formal approval by the department of the taxpayer's application, which application may be made on an annual basis following installation of the machinery or equipment.

4. For the purposes of this paragraph, the term:

a. “Cost-reimbursement type contracts” has the same meaning as in 32 C.F.R. s. 3-405.

b. “Deflated implicit productive output” means the product of implicit productive output times the quotient of the national defense implicit price deflator for the preceding calendar year divided by the deflator for the year of completion or commencement.

c. “Eligible costs” means the total direct and indirect costs, as defined in 32 C.F.R. ss. 15-202 and 15-203, excluding general and administrative

costs, selling expenses, and profit, defined by the uniform cost-accounting standards adopted by the Cost-Accounting Standards Board created pursuant to 50 U.S.C. s. 2168.

d. “Implicit productive output” means the annual eligible costs attributable to all contracts or subcontracts subject to federal procurement regulations of the single plant or operation at which the machinery or equipment is used.

e. “Industrial machinery and equipment” means *tangible personal property, or other property, that has a depreciable life of 3 years or more, that qualifies as an eligible cost under federal procurement regulations, and that is used as an integral part of the process of production of tangible personal property. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment itself is replaced. Heating and air conditioning systems are not industrial machinery and equipment, unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities.* ~~“section 38 property” as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided such industrial machinery and equipment qualified as an eligible cost under federal procurement regulations and are used as an integral part of the tangible personal property production process.~~ Such term includes parts and accessories only to the extent that the exemption of such parts and accessories is consistent with the provisions of this paragraph.

f. “National defense implicit price deflator” means the national defense implicit price deflator for the gross national product as determined by the Bureau of Economic Analysis of the United States Department of Commerce.

5. The exclusions provided in subparagraph (b)5. apply to this exemption. This exemption applies only to machinery or equipment purchased pursuant to production contracts with the United States Department of Defense and Armed Forces, the National Aeronautics and Space Administration, and other federal agencies for which the contracts are classified for national security reasons. In no event shall the provisions of this paragraph apply to any expanding business the increase in productive output of which could be measured under the provisions of subparagraph (b)6.b. as physically comparable between the two periods.

(f) Motion picture or video equipment used in motion picture or television production activities and sound recording equipment used in the production of master tapes and master records.—

1. Motion picture or video equipment and sound recording equipment purchased or leased for use in this state in production activities is exempt from the tax imposed by this chapter. The exemption provided by this paragraph shall inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

2. For the purpose of the exemption provided in subparagraph 1.:

a. “Motion picture or video equipment” and “sound recording equipment” includes only *tangible personal property, or other property, that has a depreciable life of 3 years or more and equipment meeting the definition of “section 38 property” as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code that is used by the lessee or purchaser exclusively as an integral part of production activities; however, motion picture or video equipment and sound recording equipment does not include supplies, tape, records, film, or video tape used in productions or other similar items; vehicles or vessels; or general office equipment not specifically suited to production activities. In addition, the term does not include equipment purchased or leased by television or radio broadcasting or cable companies licensed by the Federal Communications Commission. Furthermore, a building and its structural components are not motion picture or video equipment and sound recording equipment unless the building or structural component is so closely related to the motion picture or video equipment and sound recording equipment that it houses or supports that the building or structural component can be expected to be replaced when the motion picture or video equipment and sound recording equipment itself is replaced. Heating and air conditioning systems are not motion picture or video equipment and sound record-*

ing equipment, unless the sole justification for their installation is to meet the requirements of the production activities, even though the system may provide incidental comfort to employees or serves, to an insubstantial degree, nonproduction activities.

b. "Production activities" means activities directed toward the preparation of a:

(I) Master tape or master record embodying sound; or

(II) Motion picture or television production which is produced for theatrical, commercial, advertising, or educational purposes and utilizes live or animated actions or a combination of live and animated actions. The motion picture or television production shall be commercially produced for sale or for showing on screens or broadcasting on television and may be on film or video tape.

Section 6. (1) *It is the intent of the Legislature to provide guidance in tax matters which is current and useful. Accordingly, the continued reference to a federal regulation that no longer exists causes confusion and an undue burden on persons affected by section 212.08, Florida Statutes.*

(2) *It is the purpose of the amendment to section 212.08(5)(b), (d), and (f), Florida Statutes, by this act to replace specific references therein to "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code with a general description of such property, and such new description shall have the same meaning as the former federal Internal Revenue Code regulation without limitation.*

Section 7. Effective July 1, 2001, subsection (10) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT OF ANOTHER STATE.—

(a) The tax collected on the sale of a new or used motor vehicle in this state to a resident of another state shall be an amount equal to the sales tax which would be imposed on such sale under the laws of the state of which the purchaser is a resident, except that such tax shall not exceed the tax that would otherwise be imposed under this chapter. At the time of the sale, the purchaser shall execute a notarized statement of his or her intent to license the vehicle in the state of which the purchaser is a resident within 45 days of the sale and of the fact of the payment to the State of Florida of a sales tax in an amount equivalent to the sales tax of his or her state of residence and shall submit the statement to the appropriate sales tax collection agency in his or her state of residence. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to license the vehicle in the purchaser's home state if the purchaser licenses the vehicle in his or her home state within 45 days after the date of sale.

(b) *Notwithstanding the partial exemption allowed in paragraph (a), a vehicle is subject to this state's sales tax at the applicable state sales tax rate plus authorized surtaxes when the vehicle is purchased by a nonresident corporation or partnership and:*

1. *An officer of the corporation is a resident of this state;*
2. *A stockholder of the corporation who owns at least 10 percent of the corporation is a resident of this state; or*
3. *A partner in the partnership who has at least 10 percent ownership is a resident of this state.*

However, if the vehicle is removed from this state within 45 days after purchase and remains outside the state for a minimum of 180 days, the vehicle may qualify for the partial exemption allowed in paragraph (a) despite the residency of owners or stockholders of the purchasing entity.

Section 8. Effective July 1, 2001, paragraph (b) of subsection (14) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(14) For the purpose of determining whether a person is improving real property, the term:

(b) "Fixtures" means items that are an accessory to a building, other structure, or land and that do not lose their identity as accessories when installed but that do become permanently attached to realty. However, the term does not include the following items, whether or not such items are attached to real property in a permanent manner: ~~trade fixtures~~; property of a type that is required to be registered, licensed, titled, or documented by this state or by the United States Government, including, but not limited to, mobile homes, except mobile homes assessed as real property; or ~~industrial machinery or equipment~~. *For purposes of this paragraph, industrial machinery or equipment is not limited to machinery and equipment used to manufacture, process, compound, or produce tangible personal property.* For an item to be considered a fixture, it is not necessary that the owner of the item also own the real property to which it is attached.

Section 9. *It is the intent of the Legislature that the amendment to section 212.06(14)(b), Florida Statutes, relating to industrial machinery or equipment, which is made by section 7 of this act is remedial in nature and merely clarifies existing law.*

Section 10. Paragraph (a) of subsection (8) and subsection (9) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(8) PARTIAL EXEMPTIONS; VESSELS ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(a) The sale or use of vessels and parts thereof used to transport persons or property in interstate or foreign commerce, including commercial fishing vessels, is subject to the taxes imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's vessels which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year. The ratio would be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the vessel begins its initial operations in this state, the vessel's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the vessel, or a refund may be applied for, on the basis of the actual ratio of the vessel's miles in this state to its total miles for that year.* This ratio shall be applied each month to the total Florida purchases of such vessels and parts thereof which are used in Florida to establish that portion of the total used and consumed in intrastate movement and subject to the tax at the applicable rate. The basis for imposition of any discretionary surtax shall be as set forth in s. 212.054. Items, appropriate to carry out the purposes for which a vessel is designed or equipped and used, purchased by the owner, operator, or agent of a vessel for use on board such vessel shall be deemed to be parts of the vessel upon which the same are used or consumed. Vessels and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter. Vessels and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax.

(9) PARTIAL EXEMPTIONS; RAILROADS AND MOTOR VEHICLES ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(a) Railroads which are licensed as common carriers by the ~~Surface Transportation Board Interstate Commerce Commission~~ and parts thereof used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. *However, during the fiscal year in*

which the railroad begins its initial operations in this state, the railroad's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the railroad, or a refund may be applied for, on the basis of the actual ratio of the railroad's miles in this state to its total miles for that year. This ratio shall be applied each month to the Florida total purchases of the railroad which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax is set forth in s. 212.054. Railroads which are licensed as common carriers by the Surface Transportation Board Interstate Commerce Commission and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter.

(b) Motor vehicles which are engaged in interstate commerce as common carriers, and parts thereof, used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's motor vehicles which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. *However, during the fiscal year in which the carrier begins its initial operations in this state, the carrier's mileage apportionment factor may be determined on the basis of an estimated ratio of anticipated miles in this state to anticipated total miles for that year, and, subsequently, additional tax must be paid on the carrier, or a refund may be applied for, on the basis of the actual ratio of the carrier's miles in this state to its total miles for that year.* This ratio shall be applied each month to the Florida total purchases of such motor vehicles and parts thereof which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this chapter. The basis for imposition of any discretionary surtax is set forth in s. 212.054. Motor vehicles which are engaged in interstate commerce, and parts thereof, used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this chapter. Motor vehicles and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax. For purposes of this paragraph, parts of a motor vehicle engaged in interstate commerce include a separate tank not connected to the fuel supply system of the motor vehicle into which diesel fuel is placed to operate a refrigeration unit or other equipment.

Section 11. Subsection (5) is added to section 212.11, Florida Statutes, to read:

212.11 Tax returns and regulations.—

(5)(a) *Each dealer that claims any credits granted in this chapter against that dealer's sales and use tax liabilities, which credits are granted by reason of the dealer's hiring employees, purchasing property, improving property, paying increased ad valorem taxes, operating a business, or otherwise engaging in activity in an urban high-crime area, an enterprise zone, an empowerment zone, a Front Porch Community, a designated brownfield area, or an urban infill area, must submit to the department with the return on which such credits are claimed a report in a format prescribed by the department which provides the information and documentation required to verify the dealer's entitlement to the credits. All information must be broken down by the urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area to which it relates. In the case of any credit that is granted in the form of a refund of previously paid taxes, supporting documentation must be provided with the application for refund.*

(b) *The department may adopt rules prescribing the form in which the report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.*

(c) *The department shall disallow any credit that is not supported by the report required by this subsection.*

Section 12. If the amendment to subsection (6) of section 212.20, Florida Statutes, by section 35 of chapter 2000-260, Laws of Florida,

does not take effect, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6.a. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215.

b. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000.

c. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

d. *Each newly incorporated municipality that meets the eligibility requirements established in s. 218.23 or in the local act establishing the municipality is eligible to receive a share of revenue sharing funds under s. 218.245. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in the 1999-2000 fiscal year, plus the share for any new municipalities, each municipality shall receive a proportionate amount.*

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely

affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 13. If the amendment to subsection (6) of section 212.20, Florida Statutes, by section 35 of chapter 2000-260, Laws of Florida, does take effect, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6.a. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215.

b. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000.

c. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

d. *Each newly incorporated municipality that meets the eligibility requirements established in s. 218.23 or in the local act establishing the municipality is eligible to receive a share of revenue sharing funds under s. 218.245. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in the 1999-2000 fiscal year, plus the share for any new municipalities, each municipality shall receive a proportionate amount.*

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months,

to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 14. Paragraph (b) of subsection (6) of section 218.21, Florida Statutes, is amended to read:

218.21 Definitions.—As used in this part, the following words and terms shall have the meanings ascribed them in this section, except where the context clearly indicates a different meaning:

(6) “Guaranteed entitlement” means the amount of revenue which must be shared with an eligible unit of local government so that:

(b)1. No eligible municipality shall receive less funds from the Revenue Sharing Trust Fund for Municipalities in any fiscal year than the aggregate amount it received from the state in fiscal year 1971-1972 under the provisions of the then-existing s. 210.20(2)(a), tax on cigarettes; s. 323.16(3), road tax; and s. 206.605, tax on motor fuel.

2. Any government exercising municipal powers under s. 6(f), Art. VIII of the State Constitution may not receive less than the aggregate amount it received from the Revenue Sharing Trust Fund for Municipalities in the preceding fiscal year, plus a percentage increase in such amount equal to the percentage increase of the Revenue Sharing Trust Fund for Municipalities for the preceding fiscal year. *However, for the distributions made during the 2001-2002 fiscal year, the percentage increase shall be calculated as the revenues from the Revenue Sharing Trust Fund for Municipalities for the 2001-2002 fiscal year, divided by the sum of the revenues from the Revenue Sharing Trust Fund for Municipalities for the 1999-2000 fiscal year and the revenues from the Municipal Financial Assistance Trust Fund for the 1999-2000 fiscal year, minus one.*

Section 15. Effective July 1, 2001, subsection (4) of section 220.22, Florida Statutes, is amended to read:

220.22 Returns; filing requirement.—

(4) *The department shall designate by rule certain not-for-profit entities and others that are not required to file a return, including an initial information return, under this code unless the entities have taxable income as defined in s. 220.13(2). These entities must include subchapter S corporations, tax-exempt entities, and others that do not usually owe federal income tax. For the year in which an election is made pursuant to s. 1361(b)(3) of the Internal Revenue Code, the qualified subchapter S subsidiary shall file an informational return with the department, which return shall be restricted to information identifying the subsidiary, the electing S corporation parent, and the effective date of the election.*

Section 16. Effective July 1, 2001, subsection (10) of section 624.509, Florida Statutes, is repealed.

Section 17. Subsection (9) of section 213.27, Florida Statutes, is repealed.

Section 18. Section 213.256, Florida Statutes, is created to read:

213.256 Simplified Sales and Use Tax Administration Act.—

(1) As used in this section, the term:

(a) “Department” means the Department of Revenue.

(b) “Agreement” means the Streamlined Sales and Use Tax Agreement as amended and adopted on January 27, 2001, by the Executive Committee of the National Conference of State Legislatures.

(c) “Certified automated system” means software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(d) “Certified service provider” means an agent certified jointly by the states that are signatories to the agreement to perform all of the seller’s sales tax functions.

(e) “Person” means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

(f) “Sales tax” means the tax levied under chapter 212.

(g) “Seller” means any person making sales, leases, or rentals of personal property or services.

(h) “State” means any state of the United States and the District of Columbia.

(i) “Use tax” means the tax levied under chapter 212.

(2)(a) *The executive director of the department shall enter into the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the agreement, the executive director of the department or his or her designee shall act jointly with other states that are members of the agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.*

(b) *The executive director of the department or his or her designee shall take other actions reasonably required to administer this section. Other actions authorized by this section include, but are not limited to, the adoption of rules and the joint procurement, with other member states, of goods and services in furtherance of the cooperative agreement.*

(c) *The executive director of the department or his or her designee may represent this state before the other states that are signatories to the agreement.*

(3) *The executive director of the department may not enter into the Streamlined Sales and Use Tax Agreement unless the agreement requires each state to abide by the following requirements:*

(a) *The agreement must set restrictions to limit, over time, the number of state tax rates.*

(b) *The agreement must establish uniform standards for:*

1. *The sourcing of transactions to taxing jurisdictions.*
2. *The administration of exempt sales.*
3. *Sales and use tax returns and remittances.*

(c) *The agreement must provide a central electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states.*

(d) *The agreement must provide that registration with the central registration system and the collection of sales and use taxes in the signatory state will not be used as a factor in determining whether the seller has nexus with a state for any tax.*

(e) *The agreement must provide for reduction of the burdens of complying with local sales and use taxes through:*

1. *Restricting variances between the state and local tax bases.*
2. *Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers who collect and remit these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions.*
3. *Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes.*
4. *Providing notice of changes in local sales and use tax rates and of local changes in the boundaries of local taxing jurisdictions.*

(f) *The agreement must outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint study by the public and private sectors, which must be completed by July 1, 2002, of the compliance cost to sellers and certified service providers of collecting sales and use taxes for state and local governments under various levels of complexity.*

(g) The agreement must require each state to certify compliance with the terms of the agreement before joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member.

(h) The agreement must require each state to adopt a uniform policy for certified service providers which protects the privacy of consumers and maintains the confidentiality of tax information.

(i) The agreement must provide for the appointment of an advisory council of private-sector representatives and an advisory council of non-member state representatives to consult within the administration of the agreement.

(4) For the purposes of reviewing or amending the agreement to embody the simplification requirements as set forth in subsection (3), this state shall enter into multistate discussions. For purposes of such discussions, this state shall be represented by three delegates, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and the executive director of the department or his or her designee.

(5) No provision of the agreement authorized by this section in whole or in part invalidates or amends any provision of the laws of this state. Adoption of the agreement by this state does not amend or modify any law of the state. Implementation of any condition of the agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by the action of the state.

(6) The agreement authorized by this section is an accord among individual cooperating sovereigns in furtherance of their governmental functions. The agreement provides a mechanism among the member states to establish and maintain a cooperative, simplified system for the application and administration of sales and use taxes under the duly adopted law of each member state.

(7)(a) The agreement authorized by this act binds and inures only to the benefit of this state and the other member states. No person, other than a member state, is an intended beneficiary of the agreement. Any benefit to a person other than a state is established by the laws of this state and of other member states and not by the terms of the agreement.

(b) Consistent with paragraph (a), no person has any cause of action or defense under the agreement or by virtue of this state's approval of the agreement. No person may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of this state, or of any political subdivision of this state, on the ground that the action or inaction is inconsistent with the agreement.

(c) No law of this state, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the agreement.

(8)(a) A certified service provider is the agent of a seller with whom the certified service provider has contracted for the collection and remittance of sales and use taxes. As the seller's agent, the certified service provider is liable for sales and use tax due each member state on all sales transactions it processes for the seller except as set out in this subsection.

(b) A seller that contracts with a certified service provider is not liable to the state for sales or use tax due on transactions processed by the certified service provider unless the seller has misrepresented the type of items it sells or has committed fraud. In the absence of probable cause to believe that the seller has committed fraud or made a material misrepresentation, the seller is not subject to audit on the transactions processed by the certified service provider. A seller is subject to audit for transactions that have not been processed by the certified service provider. The member states acting jointly may perform a system check of the seller and review the seller's procedures to determine if the certified service provider's system is functioning properly and to determine the extent to which the seller's transactions are being processed by the certified service provider.

(c) A person that provides a certified automated system is responsible for the proper functioning of that system and is liable to the state for underpayments of tax attributable to errors in the functioning of the certified automated system. A seller that uses a certified automated sys-

tem remains responsible and is liable to the state for reporting and remitting tax.

(d) A seller that has a proprietary system for determining the amount of tax due on transactions and has signed an agreement establishing a performance standards for that system is liable for the failure of the system to meet the performance standard.

(9) Disclosure of information necessary under this section must be pursuant to a written agreement between the executive director of the department or his or her designee and the certified service provider. The certified service provider is bound by the same requirements of confidentiality as the department. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) On or before January 1 annually, the department shall provide recommendations to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives for provisions to be adopted for inclusion within the system which are necessary to bring it into compliance with the Streamlined Sales and Use Tax Agreement.

Section 19. Subsection (2) of section 213.285, Florida Statutes, is amended to read:

213.285 Certified audits.—

(2)(a) The department is authorized to initiate a certified audits project to further enhance tax compliance reviews performed by qualified practitioners and to encourage taxpayers to hire qualified practitioners at their own expense to review and report on their tax compliance. The nature of certified audit work performed by qualified practitioners shall be agreed-upon procedures in which the department is the specified user of the resulting report.

(b) As an incentive for taxpayers to incur the costs of a certified audit, the department shall compromise penalties and abate interest due on any tax liabilities revealed by a certified audit as provided in s. 213.21. This authority to compromise penalties or abate interest shall not apply to any liability for taxes that were collected by the participating taxpayer but that were not remitted to the department.

(c) The certified audits project is repealed on July 1, 2006 ~~2002~~, or upon completion of the project as determined by the department, whichever occurs first.

Section 20. Paragraph (n) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(n) Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related to a certified public accountant participating in the certified audits project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audits project. In any judicial proceeding brought by the department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section. This paragraph is repealed on July 1, 2006 ~~2002~~.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 21. Subsection (8) of section 213.21, Florida Statutes, is amended to read:

213.21 Informal conferences; compromises.—

(8) In order to determine whether certified audits are an effective tool in the overall state tax collection effort, the executive director of the

department or the executive director's designee shall settle or compromise penalty liabilities of taxpayers who participate in the certified audits project. As further incentive for participating in the program, the department shall abate the first \$25,000 of any interest liability and 25 percent of any interest due in excess of the first \$25,000. A settlement or compromise of penalties or interest pursuant to this subsection shall not be subject to the provisions of paragraph (3)(a), except for the requirement relating to confidentiality of records. The department may consider an additional compromise of tax or interest pursuant to the provisions of paragraph (3)(a). This subsection does not apply to any liability related to taxes collected but not remitted to the department. This subsection is repealed on July 1, 2006 ~~2002~~.

Section 22. Section 213.30, Florida Statutes, is amended to read:

213.30 Compensation for information relating to a violation of the tax laws.—

(1) The executive director of the department, pursuant to rules adopted by the department, is authorized to compensate persons providing information to the department leading to:

(a) The punishment of, or collection of taxes, penalties, or interest from, any person with respect to the taxes enumerated in s. 213.05. The amount of any payment made under this paragraph may not exceed 10 percent of any tax, penalties, or interest collected as a result of such information.

(b) The identification and registration of a taxpayer who is not in compliance with the registration requirements of any tax statute that is listed in s. 213.05. The amount of the payment made to any person who provides information to the department which results in the registration of a noncompliant taxpayer shall be \$100. The reward authorized in this paragraph shall be paid only if the noncompliant taxpayer:

- 1. Conducts business from a permanent, fixed location;
2. Is engaged in a bona fide taxable activity; and
3. Is found by the department to have an unpaid tax liability.

(2) Any employee of the department or of any other state or federal agency who comes into possession of information relating to a violation of a revenue law while an employee of such agency may provide information to the department of the type described in subsection (1), but the employee may not be compensated under this section. Any former employee of the department or any other state or federal agency who came into possession of information relating to a violation of a revenue law while an employee of such agency may provide information to the department of the type described in subsection (1), but the former employee may not receive compensation under this section.

(3) Notwithstanding the provisions of any other law, this section is the sole means by which any person may obtain any moneys as the result of or in relation to the failure by another person to comply with the tax laws of this state. The use of any other law to obtain moneys for such failure is in derogation of this statute and conflicts with the state's duty to administer the tax laws.

Section 23. The amendment to section 213.30, Florida Statutes, made by this act does not apply to any case in litigation or under seal on the effective date of this act.

Section 24. Paragraph (f) of subsection (4) of section 11 of chapter 2000-165, Laws of Florida, is amended to read:

(4) Effective October 1, 2000, the following programs and functions are transferred to the Agency for Workforce Innovation:

(f) The Division of Unemployment Compensation is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Workforce Innovation. The resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the Office of the Secretary or any other division, office, bureau, or unit within the Department of Labor and Employment Security that support the Division of Unemployment Compensation are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security. By January 1, 2001, the

Agency for Workforce Innovation shall enter into a contract with the Department of Revenue which shall provide for the Department of Revenue to provide unemployment tax collection services. The Department of Revenue, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed to provide unemployment tax collection services within the Department of Revenue. The number of unemployment tax collection service positions the Department of Revenue determines are needed shall not exceed the number of positions that, prior to the contract, were authorized to the Department of Labor and Employment Security for this purpose. Upon entering into the contract with the Agency for Workforce Innovation to provide unemployment tax collection services, the number of required positions, as determined by the Department of Revenue, shall be authorized within the Department of Revenue. Beginning January 1, 2002, the Office of Program Policy Analysis and Government Accountability shall conduct a feasibility study regarding privatization of unemployment tax collection services. A report on the conclusions of this study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Department of Revenue is considered to be administering a revenue law of this state when it provides unemployment compensation tax collection services pursuant to its contract with the Agency for Workforce Innovation. The following provisions of chapter 213, Florida Statutes, apply to the collection of unemployment contributions by the Department of Revenue unless prohibited by federal law: ss. 213.018, 213.025, 213.051, 213.053, 213.055, 213.071, 213.10, 213.21(2), (3), (4), (5), (6), (7), and (8), 213.2201, 213.23, 213.24, 213.25, 213.26, 213.27, 213.28, 213.285, 213.30, 213.34, 213.37, 213.50, 213.67, 213.69, 213.73, 213.731, 213.732, 213.733, 213.74, 213.755, and 213.757.

Section 25. Subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the following procedure may be followed as an alternative to any other sale procedure if so ordered by the court:

(7) DISBURSEMENTS OF PROCEEDS.—On filing a certificate of title the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment, and shall file a report of such disbursements and serve a copy of it on each party not in default, and on the Department of Revenue, if it was named as a defendant in the action or if the Agency for Workforce Innovation or the Florida Department of Labor and Employment Security was named as a defendant while the Department of Revenue was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation, in substantially the following form:

(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

The undersigned clerk of the court certifies that he or she disbursed the proceeds received from the sale of the property as provided in the order or final judgment to the persons and in the amounts as follows:

Table with 2 columns: Name, Amount

WITNESS my hand and the seal of the court on , (year) . (Clerk) By (Deputy Clerk)

If no objections to the report are served within 10 days after it is filed, the disbursements by the clerk shall stand approved as reported. If timely objections to the report are served, they shall be heard by the court. Service of objections to the report does not affect or cloud the title of the purchaser of the property in any manner.

Section 26. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for child support, or interest in an unemployment compensation tax lien pursuant to a

contract with the Agency for Workforce Innovation, against the subject property and with the same priority, regardless of whether a default against the department, the Agency for Workforce Innovation, or the Department of Labor and Employment Security has been entered for failure to file an answer or other responsive pleading.

Section 27. Subsection (1) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; chapter 175, municipal firefighters' pension trust funds; chapter 185, municipal police officers' retirement trust funds; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; chapter 221, emergency excise tax; s. 252.372, emergency management, preparedness, and assistance surcharge; s. 370.07(3), Apalachicola Bay oyster surcharge; chapter 376, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; ss. 624.501 and 624.509-624.515, insurance code; s. 681.117, motor vehicle warranty enforcement; and s. 896.102, reports of financial transactions in trade or business. *The provisions of this section, except paragraph (7)(f), also apply to chapter 443 while the department is performing tax collection services for the Agency for Workforce Innovation pursuant to chapter 2000-165, Laws of Florida; however, the exceptions to confidentiality contained in ss. 443.171(7) and 443.1715 remain in full force and effect.*

Section 28. *Effective July 1, 2001, notwithstanding section 10 of chapter 90-110, Laws of Florida, subsection (3) of section 215.20, Florida Statutes, shall not expire on October 1, 2001, as scheduled by that law, but subsection (3) of section 215.20, Florida Statutes, is revived and readopted.*

Section 29. *Effective upon becoming a law, and applying retroactively to June 1, 2001, if this act does not become a law by that date, section 4 of chapter 96-395, Laws of Florida, is repealed.*

Section 30. Subsection (8) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(8) *The taxes imposed by this section do not apply to deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, is granted, assigned, transferred, or otherwise conveyed from an electric utility to a regional transmission organization under the jurisdiction of the Federal Energy Regulatory Commission.*

Section 31. Paragraph (g) of subsection (10) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(10) "Lease," "let," or "rental" means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps and real property, the same being defined as follows:

(g) "Lease," "let," or "rental" also means the leasing or rental of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such property, except as expressly provided to the contrary herein. The term "lease," "let," or "rental" does not mean hourly, daily, or mileage charges, to the extent that such charges are subject to the jurisdiction of the ~~Surface Transportation Board United States Interstate Commerce Commission~~, when such charges are paid by reason of the presence of railroad cars owned by another on the tracks of the taxpayer, or charges made pursuant to car service agreements. *The terms "lease," "let," "rental," or "license" do not include payments by a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission which are made to an electric utility in connection*

with the regional transmission organization's use or control of the utility's high-voltage bulk transmission facilities. However, where two taxpayers, in connection with the interchange of facilities, rent or lease property, each to the other, for use in providing or furnishing any of the services mentioned in s. 166.231, the term "lease or rental" means only the net amount of rental involved.

Section 32. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)

(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological

modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license payment which is based on a percentage of sales and not based on a fixed price.

13. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

Section 33. Effective July 1, 2003, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, as amended by section 3 of chapter 2000-345, Laws of Florida, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).
4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.
5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or franchised cable television company for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012 and includes a regional transmission organization operating under the jurisdiction of the Federal Energy Regulatory Commission. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.
6. A public street or road which is used for transportation purposes.
7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention

hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

Section 34. Subsection (1) and paragraph (a) of subsection (2) of section 201.08, Florida Statutes, are amended to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exemption.—

(1)(a) On promissory notes, nonnegotiable notes, written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, the tax shall be 35 cents on each \$100 or fraction thereof of the indebtedness or obligation evidenced thereby. *The tax on any document described in this paragraph shall not exceed \$2,450.*

(b) On mortgages, trust deeds, security agreements, or other evidences of indebtedness filed or recorded in this state, and for each renewal of the same, the tax shall be 35 cents on each \$100 or fraction thereof of the indebtedness or obligation evidenced thereby. Mortgages, including, but not limited to, mortgages executed without the state and recorded in the state, which incorporate the certificate of indebtedness, not otherwise shown in separate instruments, are subject to the same tax at the same rate. When there is both a mortgage, trust deed, or security agreement and a note, certificate of indebtedness, or obligation, the tax shall be paid on the mortgage, trust deed, or security agreement at the time of recordation. A notation shall be made on the note, certificate of indebtedness, or obligation that the tax has been paid on the mortgage, trust deed, or security agreement. If the mortgage, trust deed, security agreement, or other evidence of indebtedness subject to the tax levied by this section secures future advances, as provided in s. 697.04, the tax shall be paid at the time of recordation on the initial debt or obligation secured, excluding future advances; at the time and so often as any future advance is made, the tax shall be paid on all sums then advanced regardless of where such advance is made. Notwithstanding the aforesaid general rule, any increase in the amount of original indebtedness caused by interest accruing under an adjustable rate note or mortgage having an initial interest rate adjustment interval of not less than 6 months shall be taxable as a future advance only to the extent such increase is a computable sum certain when the document is executed. Failure to pay the tax shall not affect the lien for any such future advance given by s. 697.04, but any person who fails or refuses to pay such tax due by him or her is guilty of a misdemeanor of the first

degree. The mortgage, trust deed, or other instrument shall not be enforceable in any court of this state as to any such advance unless and until the tax due thereon upon each advance that may have been made thereunder has been paid.

(2)(a) On promissory notes, nonnegotiable notes, written obligations to pay money, or other compensation, made, executed, delivered, sold, transferred, or assigned in the state, in connection with sales made under retail charge account services, incident to sales which are not conditional in character and which are not secured by mortgage or other pledge of purchaser, the tax shall be 35 cents on each \$100 or fraction thereof of the gross amount of the indebtedness evidenced by such instruments, payable quarterly on such forms and under such rules and regulations as may be promulgated by the Department of Revenue. *The tax on any document described in this paragraph shall not exceed \$2,450.*

Section 35. Effective upon this act becoming a law and applying retroactively to December 21, 2000, section 443.1315, Florida Statutes, is created to read:

443.1315 *Treatment of Indian tribes.—*

(1) *As used in this section, the term:*

(a) *"Employer" includes any Indian tribe for which service in employment as defined by this chapter is performed.*

(b) *"Employment" includes service performed in the employ of an Indian tribe, as defined by s. 3306(u) of the Federal Unemployment Tax Act, provided such service is excluded from "employment," as defined by that act, solely by reason of s. 3306(c)(7) of said act and is not otherwise excluded from "employment" under this chapter. For purposes of this section, the exclusions from employment under s. 443.036(21)(d) shall be applicable to services performed in the employ of an Indian tribe.*

(2) *Benefits based on service in employment, as defined by this section, shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter.*

(3)(a) *Indian tribes or tribal units, including subdivisions, subsidiaries, or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the Unemployment Compensation Trust Fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe.*

(b) *Indian tribes electing to make payments in lieu of contributions must make such election in the same manner and under the same conditions as provided by s. 443.131 for state and local governments and nonprofit organizations subject to this chapter. Indian tribes shall determine if reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal units, or by combinations of individual tribal units.*

(c) *Indian tribes or tribal units shall be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.*

(d) *At the discretion of the director of the Agency for Workforce Innovation or his or her designee, any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, within 90 days after the effective date of its election, to:*

1. *Execute and file with the director or his or her designee a surety bond approved by the director or his or her designee; or*

2. *Deposit with the director or his or her designee money or securities on the same basis as other employers with the same election option.*

(4)(a)1. *Failure of the Indian tribe or tribal unit to make required payments, including assessments of interest and penalty, within 90 days after receipt of the bill, will cause the Indian tribe to lose the option to make payments in lieu of contributions, as described in subsection (3), for the following tax year, unless payment in full is received before contribution rates for the next tax year are computed.*

2. *Any Indian tribe that loses the option to make payments in lieu of contributions due to late payment or nonpayment, as described in sub-*

paragraph 1., shall have such option reinstated if, after a period of 1 year, all contributions have been made timely, provided no contributions, payments in lieu of contributions for benefits paid, penalties, or interest remain outstanding.

(b)1. Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalty, after all collection activities deemed necessary by the director of the Agency for Workforce Innovation or his or her designee have been exhausted, will cause services performed for such tribe to not be treated as "employment" for purposes of paragraph (1)(b).

2. The director or his or her designee may determine that any Indian tribe that loses coverage under subparagraph 1. may have services performed for such tribe again included as "employment" for purposes of paragraph (1)(b) if all contributions, payments in lieu of contributions, penalties, and interest have been paid.

(c) If an Indian tribe fails to make payments required under this section, including assessments of interest and penalty, within 90 days after a final notice of delinquency, the director of the Agency for Workforce Innovation shall immediately notify the United States Internal Revenue Service and the United States Department of Labor.

(5) Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed timeframe:

(a) Will cause the Indian tribe to be liable for taxes under the Federal Unemployment Tax Act.

(b) Will cause the Indian tribe to lose the option to make payments in lieu of contributions.

(c) Could cause the Indian tribe to be excepted from the definition of "employer," as provided in paragraph (1)(a), and services in the employ of the Indian tribe, as provided in paragraph (1)(b), to be excepted from "employment."

(6) Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the Federal Government shall be financed in their entirety by such Indian tribe.

(7) The Agency for Workforce Innovation is authorized to adopt any rules it deems necessary to implement this section.

Section 36. Paragraph (e) of subsection (3) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(e)1. Variations from the standard rate of contributions shall be assigned with respect to each calendar year to employers eligible therefor. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors provided for in sub-subparagraphs a.-c. will be added to the benefit ratio. This addition will be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor as defined below. The sum of these adjustment factors provided for in sub-subparagraphs a.-c. will first be algebraically summed. The sum of these adjustment factors will then be divided by a gross benefit ratio to be determined as follows: Total benefit payments for the previous 3 years, as defined in subparagraph (b)1., charged to employers eligible to be assigned a contribution rate different from the standard rate minus excess payments for the same period divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to the gross benefit ratio will be multiplied by each individual benefit ratio below the maximum tax rate to obtain variable adjustment factors; except that in any instance in which the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum tax rate, the variable adjustment factor will be reduced so that the sum equals the maximum tax rate. The variable adjustment factor of each such employer will be multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products will be divided by the taxable payroll of such

employers that entered into the computation of their benefit ratios. The resulting ratio will be subtracted from the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor will be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor will be added to the variable adjustment factor and benefit ratio of each employer to obtain each employer's contribution rate; however, at no time shall an employer's contribution rate be rounded to less than 0.1 percent.

a. An adjustment factor for noncharge benefits will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the amount of benefit payments noncharged in the 3 preceding years as defined in subparagraph (b)1. by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the taxable payrolls for the 3 years ending June 30 of the current calendar year that had been reported to the division by September 30 of the same calendar year. Noncharge benefits for the purpose of this section shall be defined as benefit payments to an individual which were paid from the Unemployment Compensation Trust Fund but which were not charged to the unemployment record of any employer.

b. An excess payments adjustment factor will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the total excess payments during the 3 preceding years as defined in subparagraph (b)1. by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the same as used in computing the noncharge adjustment factor as described in sub-subparagraph a. The term "excess payments" for the purpose of this section is defined as the amount of benefit payments charged to the employment record of an employer during the 3 preceding years, as defined in subparagraph (b)1., less the product of the maximum contribution rate and his or her taxable payroll for the 3 years ending June 30 of the current calendar year that had been reported to the division by September 30 of the same calendar year. The term "total excess payments" is defined as the sum of the individual employer excess payments for those employers that were eligible to be considered for assignment of a contribution rate different from the standard rate.

c. If the balance in the Unemployment Compensation Trust Fund as of June 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 3.74 percent of the taxable payrolls for the year ending June 30 as reported to the division by September 30 of that calendar year, a positive adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of June 30 of such calendar year and the sum of 4.75 percent of the total taxable payrolls for that year. Such adjustment factor will remain in effect in subsequent years until a balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of such contribution rate equals or exceeds 3.74 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year. If the balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 4.75 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year, a negative adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of June 30 of the current calendar year and 4.75 percent of the total taxable payrolls of such year. Such adjustment factor will remain in effect in subsequent years until the balance in the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of such contribution rate is less than 4.75 percent but more than 3.74 percent of the taxable

payrolls for the year ending June 30 of the current calendar year as reported to the division by September 30 of that calendar year.

d. The maximum contribution rate that can be assigned to any employer shall be 5.4 percent, except those employers participating in an approved short-time compensation plan in which case the maximum shall be 1 percent above the current maximum contribution rate, with respect to any calendar year in which short-time compensation benefits are in the employer's employment record.

2. In the event of the transfer of employment records to an employing unit pursuant to paragraph (g) which, prior to such transfer, was an employer, the division shall recompute a benefit ratio for the successor employer on the basis of the combined employment records and reassign an appropriate contribution rate to such successor employer as of the beginning of the calendar quarter immediately following the effective date of such transfer of employment records.

Section 37. Subsection (1) of section 561.501, Florida Statutes, is amended to read:

561.501 Surcharge on sale of alcoholic beverages for consumption on the premises; penalty.—

(1) Notwithstanding s. 561.50 or any other provision of the Beverage Law, a surcharge of 3.34 cents is imposed upon each ounce of liquor and each 4 ounces of wine, a surcharge of 2 cents is imposed on each 12 ounces of cider, and a surcharge of 1.34 cents is imposed on each 12 ounces of beer sold at retail for consumption on premises licensed by the division as an alcoholic beverage vendor. However, the surcharges imposed under this subsection need not be paid upon such beverages when they are sold by a nonprofit organization that is licensed by the division under ~~s. 561.422 or s. 565.02(4)~~ as an alcoholic beverage vendor and that is determined by the Internal Revenue Service to be currently exempt from federal income tax under s. 501(c)(2), (3), (4), (5), (6), (7), (8), (10), or (19) of the Internal Revenue Code of 1986, as amended.

Section 38. Effective July 1, 2001, 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 39. Effective July 1, 2001, 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 40. Effective July 1, 2001, 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 41. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: 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 s. 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; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; amending s. 236.31, F.S.; providing for millage elections pursuant to s. 236.25, F.S.; amending s. 236.32, F.S.; revising the procedures for conducting school district millage elections; providing effective dates.

On motion by Senator Carlton, by two-thirds vote **HB 1981** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for SB 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; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; 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; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of

the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing legislative intent related to the consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring Enterprise Florida, Inc., to provide initial staff support to the Florida Research Consortium; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide such services to Workforce Florida, Inc.; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the pilot program; directing the agency to provide such services to Workforce Florida, Inc.; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term "digital media"; requiring a report to the Legislature on recommended funding levels for such facilities; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations; authorizing the Office of Tourism, Trade, and Economic Development to use a portion of funds appropriated for the Rural Community Development Revolving Loan Fund for loan activities on behalf of small citrus growers; providing effective dates.

—as amended May 1 was read the third time by title.

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

Amendment 1 (072544)(with title amendment)—On page 3, line 30, insert:

Section 1. (1) *The Legislature intends to ensure that all high schools provide supportive services to students and their parents to determine the comprehensive program of study that will best meet the needs and goals of each student. At a minimum, these services must include access to a guidance counselor and assistance in developing an educational and career plan. Each high school shall provide a variety of comprehensive, relevant programs of study which will meet the needs of all students and enable each student to pursue his or her individual educational and career goals.*

(2) *Key components of this process are:*

(a) *A variety of programs of study which are based on individual educational and career goals.*

(b) *Parental involvement in the identification of the appropriate program of study.*

(c) *Assurance that all programs of study are designed to provide a seamless transition to an appropriate postsecondary education and employment.*

Section 2. (1) *A career and technical education program within a comprehensive high school program of study must be certified or endorsed by the appropriate industry to ensure that all components of the program are relevant and appropriate to prepare the student for further education and employment in that industry.*

(2) *Effective July 1, 2006, each career and technical program preparing for postsecondary education and employment offered as part of a comprehensive program of study in a high school must be industry-certified or endorsed, except for courses classified as exploratory, orientation, or practical arts. A student enrolled in a course within a career and technical program that is not industry-certified may not be reported for full-time equivalent funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts. The Department of Education shall assure that each program is certified by July 1, 2006, and recertified at least every 5 years. The department shall adopt rules for the certification process, and the rules must establish any necessary procedures for obtaining appropriate business partners and requirements for business and industry involvement in curriculum oversight and equipment procurement.*

(3) *Each full-time equivalent student in an industry-certified or endorsed career and technical program generates 1.15 times the cost factor for students enrolled in the basic program for grades 9-12, as provided by section 236.081, Florida Statutes, and the annual General Appropriations Act.*

(4) *Effective July 1, 2006, each career and technical education program offered by a high school and able to be articulated to a postsecondary level must also have an articulation agreement with one or more appropriate postsecondary education institutions to ensure a seamless transition to a related postsecondary program without a loss of credit for the student. Students enrolled in a program that is not articulated to a postsecondary program may not be reported for full-time equivalent student funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts or terminates at the high school level.*

Section 3. (1) *A comprehensive program of study in career and technical education must be designed to ensure that, upon completion of the program of study and graduation from high school, a student is prepared to continue his or her education at a postsecondary education institution and obtain employment. Therefore, a comprehensive career and technical program of study must require of each student:*

(a) *Completion of academic courses with a designation from the Department of Education of level two or above. All credits earned to meet graduation requirements in mathematics, science, and communication must have that designation.*

(b) *Attainment of at least one occupational completion point in an industry-certified or endorsed career and technical education program or completion of at least two courses in a technology education program.*

(c) *Completion of a one-credit core course addressing workplace-readiness skills. The Department of Education shall define in rule the content of the course and shall assure that the course meets graduation*

requirements for performing arts or practical arts. The course requirement may be satisfied through infusing course content into existing select career and technical education course.

(d) Participation in work-based learning experiences, as defined in rule by the Department of Education.

(e) Participation in a capstone activity that includes a project related to a career. This activity is designed to apply and demonstrate the competencies and concepts attained in the student's program of study. The Department of Education may specify in rule characteristics of capstone activities that meet the intent of this paragraph.

(2) The Legislature intends to recognize with an endorsement on the high school diploma a student who:

(a) Completes the requirements for high school graduation as provided in section 232.246, Florida Statutes, and the additional requirements for a comprehensive career and technical program of study provided in subsection (1).

(b) Passes the college entry-level placement test or an equivalent test identified by the department with a score adequate to enroll in a public postsecondary education program without the need for college preparatory or vocational preparatory instruction.

(3) The endorsement indicates that the student is prepared to continue into postsecondary education without the need for remediation and that the student has marketable employment skills. The Department of Education may adopt by rule a standard format for the endorsement.

(4) For each student who receives the endorsement on his or her diploma, the school district shall receive incentive funding, as provided in section 236.081, Florida Statutes, and the annual General Appropriations Act.

(5) A school district that generates funds as a result of industry-certified programs or incentive funding for student achievement of the endorsement must expend the total amount on the comprehensive career and technical program of study. The district may not apply indirect charges to incentive funds earned.

Section 4. The Legislature finds that, to adequately assist students in advanced technical and academic career planning, high school guidance counselors and career specialists require preservice and inservice professional development programs that contain sufficient information on career education.

(1) Each guidance counselor and career specialist in a school with technical education programs certified as provided in section 2 of this act shall complete 12 inservice points in technical education and career development which include:

(a) An emphasis on labor-market trends and projections;

(b) A practicum that focuses on development of a career-awareness program; and

(c) Content related to a career or employment within the counselor's work experience.

(2) The Department of Education shall assist guidance counselors and career specialists in attaining the additional inservice required. The State Board of Education shall revise rules governing the certification and recertification of guidance counselors to allow substitution of personal work-based experiences and temporary-employment opportunities in business and industry for the required classroom instruction. A minimum of 12 hours of inservice in career and technical education will be required for each 5-year period.

(3) To implement the requirements of this act through preservice education, the Legislature encourages colleges of education to provide for the additional courses required without increasing the total number of credit hours needed to complete a program. Instead, the colleges are encouraged to infuse course content required for ethics courses into courses required for introduction, theory, and practicum.

Section 5. Paragraph (b) of subsection (9) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(9) INSTRUCTIONAL PERSONNEL.—“Instructional personnel” means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

(b) Pupil personnel services.—Pupil personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, ~~career occupational placement~~ specialists, and school psychologists.

Section 6. Paragraph (c) of subsection (2) of section 229.601, Florida Statutes, is amended to read:

229.601 Career education program.—

(2) There is hereby established a career education program in the state educational system. The Commissioner of Education and his or her designated staff shall administer this program. In developing and administering the career education program, the purpose of which is to promote positive career opportunities for all students regardless of their race, color, creed, national origin, ancestry, socioeconomic status, or gender, the commissioner shall:

(c) Develop programs for preservice and inservice training for the purpose of infusing career education concepts into the basic curricula of public schools and core curricula of community colleges and state universities and programs for preservice and inservice training for counselors and ~~career occupational and placement~~ specialists to assist in career counseling and placement and followup activities.

Section 7. Paragraph (a) of subsection (5) of section 229.602, Florida Statutes, is amended to read:

229.602 Florida private sector and education partnerships.—

(5) Each school district shall designate one or more persons to coordinate local private sector and education partnership activities. The general activities of these coordinators shall be to enhance private sector and education partnership activities. The specific duties of the district coordinators shall include, but not be limited to, the following:

(a) Maintaining contact with local businesses and industries, local chamber of commerce organizations, regional workforce boards ~~private industry councils with Job Training Partnership Act programs~~, district, ~~career occupational~~ specialists, guidance personnel, economics educators, volunteer coordinators, community education coordinators, appropriate governmental personnel, and any others interested in private sector and education partnerships.

Section 8. Paragraphs (c), (d), and (l) of subsection (1) of section 236.081, Florida Statutes, are amended, present paragraphs (m) through (p) of that subsection are redesignated as paragraphs (n) through (q), respectively, and a new paragraph (m) is added to that subsection, and paragraph (a) of subsection (5) of that section is amended, to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. *A secondary career or technical education program certified as required by section 2 of this act generates funding as provided in paragraph (m). Effective July 1, 2006, a full-time equivalent student in a career or technical education program that*

is not industry-certified or endorsed shall not generate any state funding unless the student is in a course classified as exploration, orientation, or practical arts and the General Appropriations Act contains a cost factor for such courses. The Department of Education shall complete a study by January 2002 to determine if career and technical education programs should have differentiated funding weights. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—
 - a. Kindergarten and grades 1, 2, and 3.
 - b. Grades 4, 5, 6, 7, and 8.
 - c. Grades 9, 10, 11, and 12.
2. Programs for exceptional students.—
 - a. Support Level IV.
 - b. Support Level V.
3. Secondary career and technical education programs, industry-certified or endorsed.—
4. Career and technical education programs, all other programs.—
 - 5.4. English for Speakers of Other Languages.—
 - (d) Annual allocation calculation.—

1. The Department of Education ~~shall be authorized and directed to~~ review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, English for Speakers of Other Languages programs, all basic programs other than the programs in group 1, and all vocational programs in grades 6-12 ~~7-12~~.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be com-

puted for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for each group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3. This adjustment shall be calculated beginning with the third calculation of the 1998-1999 FEFP.

(l) Instruction in career education.—~~Effective for the 1985-1986 school year and thereafter,~~ District pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. *Beginning July 1, 2006, a career and technical course may not be substituted for another required course unless it is part of an industry-certified or endorsed program certified as provided in section 2 of this act.* A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory course program may substitute credit for a portion of the required four credits in English, three credits in mathematics, *any credits in social studies*, and three credits in science. The credit substituted for English, mathematics, *social studies*, or science earned through the vocational job-preparatory course program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. The State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies*, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies*, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. ~~A career and technical course vocational program~~ which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course. *Such a course is eligible for funding at 1.15 times the cost factor for students enrolled in the basic program for grades 9-12 only if it is part of a program certified or endorsed as required by section 2 of this act.*

(m) Calculation of full-time equivalent membership for an industry-certified or endorsed technical program.—*Funding for students enrolled in an industry-certified program as provided in section 2 of this act is calculated at 1.15 times the cost factor for students enrolled in the program for grades 9-12 and multiplying that number by the number of full-time equivalent students in an industry-certified or endorsed career and technical program. A student who earns the endorsement authorized by section 3 of this act generates additional incentive funding for the program, as provided in subsection (5). During the transition from the 2001-*

2002 school year until July 1, 2006, all career and technical education programs not industry-certified or endorsed or articulated to postsecondary institutions will continue to earn weighted funding as determined in the General Appropriations Act.

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. School lunch programs as provided by law.
4. Instructional material funds as provided by law.
5. Student transportation as provided by law.
6. Student development services as provided by law.
7. Diagnostic and learning resource centers as provided by law.
8. Comprehensive health education as provided by law.
9. Excellent Teaching Program as provided by law.

10. Attainment of the high school career and technical endorsement authorized by section 3 of this act and rules of the State Board of Education.

Section 9. Section 239.121, Florida Statutes, is amended to read:

239.121 ~~Career Occupational~~ specialists.—

(1) District school boards and community college boards of trustees may employ ~~career occupational~~ specialists to provide student counseling services and occupational information to students and to provide information to local business and industry regarding the availability of vocational programs through local educational institutions. Under the supervision of a certified counselor, ~~career occupational~~ specialists may undertake special assignments that include, but are not limited to, the identification and intensive counseling of current and former students and the parents of such students, as well as counseling students and all education personnel regarding job and career opportunities.

(2) ~~Career Occupational~~ specialists shall receive certification pursuant to State Board of Education rule and s. 231.1725. A ~~career No occupational~~ specialist may not be paid less than any other member of the instructional personnel who has equivalent qualifications and provides similar services. ~~Career Occupational~~ specialists may receive salary supplements upon documentation that such supplements are necessary for recruiting or retaining suitable personnel.

(3) The Department of Education and each school district that employs a career specialist shall assist that person in preparing a professional development plan designed to provide the skills necessary to perform the duties associated with implementing a comprehensive technical education program of study.

Section 10. Paragraph (a) of subsection (2) of section 239.229, Florida Statutes, is amended to read:

239.229 Vocational standards.—

(2)(a) Each school board and superintendent shall direct the smooth transition of high school career and technical education programs to industry-certified or endorsed programs of study included in a comprehensive course of study. Each school board and superintendent shall also direct the implementation of all components required to obtain the endorsement authorized in section 3 of this act if the district chooses to offer

the endorsement. School board, superintendent, and school accountability for career education within elementary and secondary schools includes, but is not limited to:

1. Student exposure to a variety of careers and provision of instruction to explore specific careers in greater depth.
2. Student awareness of available vocational programs and the corresponding occupations into which such programs lead.
3. Student development of individual career plans.
4. Integration of academic and vocational skills in the secondary curriculum.
5. Student preparation to enter the workforce and enroll in postsecondary education without being required to complete college-preparatory or vocational-preparatory instruction.
6. Student retention in school through high school graduation.
7. ~~Career and technical Vocational~~ curriculum articulation with corresponding postsecondary programs in the local area technical center or community college, or both.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents;

RECONSIDERATION OF AMENDMENT

On motion by Senator Horne, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Diaz de la Portilla, further consideration of **CS for CS for SB 2008** as amended was deferred.

CS for CS for SB 1880—A bill to be entitled An act relating to corporations; amending s. 607.01401, F.S.; redefining the term “electronic transmission” to include telegrams, cablegrams, telephone transmissions, and transmissions through the Internet for purposes of proxy voting; amending s. 607.0722, F.S.; specifying those persons who may vote on behalf of a shareholder; authorizing the appointment of a proxy by electronic transmission; deleting provisions limiting the period during which an appointment of proxy is irrevocable; authorizing the use of certain copies or reproductions in lieu of the original writing or electronic transmission; authorizing a corporation to adopt bylaws authorizing additional procedures for shareholders to use in exercising certain rights; amending s. 15.16, F.S.; authorizing the department to discount a filing fee in an amount equal to the convenience charge imposed for an electronic record filing by way of a contractor; amending s. 607.193, F.S.; waiving the charge for late filings of supplemental corporate fees when the business entity did not receive the uniform business report prescribed by the department; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Klein, **CS for CS for SB 1880** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Burt	Carlton	Constantine
Brown-Waite	Campbell	Clary	Cowin

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

Nays—None

Vote after roll call:

Yea—Posey

SB 1766—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; exempting from disclosure under s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, certain information pertaining to county and municipal code enforcement officers and their families; providing for future repeal and prior legislative review of these exemptions; providing a statement of public necessity for the exemptions; amending s. 119.07, F.S.; expanding the exemption for code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Crist, **SB 1766** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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

nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

—was read the third time by title.

On motion by Senator Holzendorf, **CS for SB 2174** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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

—as amended May 1 was read the third time by title.

On motion by Senator Mitchell, **CS for CS for SB 2146** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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

—as amended May 1 was read the third time by title.

Senator Klein moved the following amendment:

Amendment 1 (364342)(with title amendment)—On page 18, between lines 2 and 3, insert:

Section 9. Section 828.122, Florida Statutes, is amended to read:

828.122 Fighting or baiting animals; offenses; penalties.—

(1) This act may be cited as “The Animal Fighting Act.”

(2) As used in this section:

(a) “Baiting” means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, “baiting” means the use of live animals in the training of racing greyhounds.

(b) “Person” means every natural person, firm, copartnership, association, or corporation.

(3) Any person who commits any of the following acts is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Baiting, or using any animal for the purpose of fighting or baiting any other animal.

(b) Knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal.

(c) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals.

(d) *Performing any service or act to facilitate animal baiting or fighting, including refereeing, advertising animal baiting or fighting, or serving as security for or a stakeholder of any money wagered on animal fighting or baiting.*

~~(4) Any person who willfully commits any of the following acts is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:~~

~~(e)(a) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or~~

~~(f)(b) Attending the fighting or baiting of animals.~~

(5) *A circuit judge who orders the seizure of an animal may require that it be impounded at an animal shelter or other undisclosed location where it can be humanely housed until its final disposition is determined. The law enforcement agency that seizes the animal shall remand the animal to the county animal shelter. The county animal shelter is entitled to receive reimbursement of its costs from the owner or possessor of the animal.*

(6) *If an animal shelter or other location is unavailable, a court may order the animal impounded on the property of its owner or possessor and shall order such person to provide all necessary care for the animal and allow regular inspections of the animal by any persons designated by the court. Any person so ordered may not dispose of the animal without court authorization.*

(7) *The final disposition of an animal seized under this section shall be determined by a county court pursuant to s. 828.073.*

(8) *If an animal kept or used in violation of this section is found by a circuit court to be unable to humanely survive until a custody hearing, until the final disposition of the charges, or until a court orders forfeiture, or if other circumstances warrant, the court may order the animal euthanized.*

~~(5) Whenever an indictment is returned or an information is filed charging a violation of s. 828.12 or of this section and, in the case of an information, a magistrate finds probable cause that a violation has occurred, the court shall order the animals seized and shall provide for appropriate and humane care or disposition of the animals. This provi-~~

~~sion shall not be construed as a limitation on the power to seize animals as evidence at the time of arrest.~~

~~(9)(6) This section does The provisions of subsection (3) and paragraph (4)(b) shall not apply to:~~

(a) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided s. 828.12 is not violated.

(b) Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Commission.

(c) Any person using animals to work livestock for agricultural purposes.

(d) Any person violating s. 828.121.

(e) Any person using ~~dogs~~ animals to hunt wild hogs or to retrieve domestic hogs *pursuant to customary hunting or agricultural practices.*

~~(10)(7) Nothing in this section shall be construed to prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.~~

~~(Redesignate subsequent sections.)~~

And the title is amended as follows:

On page 2, line 4, after the semicolon (;) insert: amending s. 828.122, F.S.; prohibiting additional acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties;

On motion by Senator Sebesta, further consideration of **CS for CS for SB 2058** with pending **Amendment 1** was deferred.

CS for SB 466—A bill to be entitled An act relating to public employment; amending s. 20.23, F.S.; eliminating provisions requiring that the inspector general position in the Department of Transportation be within the Career Service System; repealing ss. 110.108, 110.109, F.S., relating to personnel pilot projects, productivity improvement, and personnel audits of executive branch agencies; amending s. 110.1091, F.S.; providing requirements for a program to assist state employees; repealing s. 110.1095, F.S., relating to supervisory and management training and continuing education for executive branch agencies; amending s. 110.1099, F.S.; providing for state employees to receive vouchers or grants to attend public educational institutions under specified circumstances; requiring the Department of Management Services to adopt rules; conforming language; amending s. 110.1127, F.S.; providing for security background checks for certain state employee positions; amending s. 110.113, F.S.; requiring all state employees except those who receive an exemption to participate in the direct deposit program; amending s. 110.1245, F.S.; providing for a savings-sharing program for employees whose proposals result in savings; providing for bonus payments; eliminating the meritorious service awards program; requiring that such bonuses be paid from funds authorized by the Legislature; repealing s. 110.1246, F.S., relating to lump-sum bonus payments; amending s. 110.129, F.S.; authorizing the Department of Management Services to furnish technical assistance to improve personnel administration for municipalities or other political subdivisions; amending s. 110.131, F.S.; requiring approval by the Executive Office of the Governor for an extension in hours of other-personal-services temporary employment; providing certain exceptions; amending s. 110.203, F.S.; revising definitions; including the outsourcing and privatization of an activity or function within the definition of the term “layoff”; defining the term “firefighter” and “law enforcement or correctional officer”; creating s. 110.2035, F.S.; requiring the Department of Management Services to develop a classification and compensation program for certain employees; providing requirements for the program; requiring that the department submit a proposed plan to the Governor and the Legislature; requiring the department to adopt rules; amending s. 110.205, F.S.; providing for managerial employees and certain employees under a collective bargaining agreement to be exempt from the Career Service System; providing for carrying leave forward; amending s. 110.211, F.S.; authorizing the Department of Management Services to contract for recruitment services; amending s. 110.213, F.S.; requiring a probationary pe-

riod for new employees; revising requirements for agency heads in selecting employees; providing certain restrictions for leave benefits for Senior Management Service employees; providing for annual payouts for a specified amount of unused annual leave for career service employees; amending s. 110.219, F.S.; revising provisions governing attendance and leave; providing for a year-end cash-out of annual leave by specified employees under specified circumstances; amending s. 110.224, F.S.; providing for a public employee performance evaluation system; providing requirements for the system; authorizing the department to adopt rules; amending s. 110.227, F.S.; prohibiting "bumping"; providing certain exceptions; prescribing layoff procedures; amending the definition of cause for suspensions or dismissals; establishing grievance procedures; providing procedures for suspensions, reductions in pay, demotions, and dismissals; providing for appeals to the Public Employees Relations Commission; providing for hearings and final orders by the Public Employees Relations Commission; amending s. 110.233, F.S.; prohibiting certain political activity by a career service employee; amending s. 110.235, F.S.; requiring state agencies to implement training programs; amending s. 110.401, F.S.; providing for training and management-development programs for senior-level management; amending s. 110.403, F.S.; requiring the department to administer a professional development program; increasing the percentage of authorized positions within the Senior Management Service; amending s. 110.601, F.S.; providing for a system of personnel management; amending s. 110.602, F.S.; eliminating a limitation on the percentage of authorized positions within the Selected Exempt Service; amending s. 110.605, F.S.; providing for personnel rules, records, reports, and performance appraisals; amending s. 110.606, F.S.; requiring the department to collect certain data with respect to classifications with the Selected Exempt Service; amending ss. 288.708 and 440.4416, F.S.; providing for the executive director of the Florida Black Business Investment Board and the members of the Workers' Compensation Oversight Board to be subject to the Senior Management Service System; amending s. 216.262, F.S.; providing for the Legislative Budget Commission to authorize a state agency to retain moneys associated with eliminated positions under certain circumstances; amending s. 447.201, F.S.; providing public policy with respect to public employees; amending s. 447.205, F.S.; removing reference to the Department of Labor and Employment Security; conforming language; amending s. 447.207, F.S.; revising authority of the commission to hear certain appeals; conforming provisions to changes made by the act; amending s. 447.208, F.S.; conforming language; amending procedures for specified appeals; amending s. 447.507, F.S.; revising requirements for the probation served by certain public employees; amending s. 112.215, F.S.; authorizing certain pretax, trustee-to-trustee transfer of deferred compensation accounts; repealing s. 125.0108(2)(d), F.S., relating to the former Career Service Commission; transferring the Public Employees Relations Commission from the Department of Labor and Employment Security to the Agency for Workforce Innovation; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances; providing for the commission's independence under specified circumstances; requiring the Department of Management Services to adopt rules; requiring that the department develop a performance agreement between management employees and agency heads; creating s. 110.1315, F.S.; authorizing the department to contract for an alternative retirement program for temporary and seasonal employees; providing requirements for selecting a vendor; amending s. 447.403, F.S.; revising requirements for resolving an impasse in collective bargaining negotiations; prohibiting the appointment of a mediator if the Governor is the employer; providing a procedure for resolving such impasse; amending s. 216.163, F.S., relating to an impasse in collective bargaining negotiations; conforming provisions to changes made by the act; creating a Career Service Advisory Board; providing for selection of members; providing powers and duties; authorizing the Governor to develop a tax-sheltered plan for leave and special compensation pay for specified employees; providing effective dates.

—as amended May 1 was read the third time by title.

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

Amendment 1 (260636)—On page 36, delete line 22 and insert: are amended to read and subsection (7) of that section is repealed:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

THE PRESIDENT PRESIDING

On motion by Senator Garcia, **CS for SB 466** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—7

Dawson	Jones	Miller	Rossin
Dyer	Lawson	Mitchell	

MOTION

On motion by Senator Garcia, the House was requested to concur in **CS for SB 466**, and in the event the House refused to concur, a conference committee was requested.

SB 1394—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Cowin, **SB 1394** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 968—A bill to be entitled An act relating to certificate of need; requiring the certificate-of-need workgroup to address open heart surgery services in its report; requiring final recommendations to be submitted by January 1, 2002; amending s. 408.036, F.S.; providing an exemption from review for the conversion of certain skilled nursing beds to acute care beds; amending s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the certificate-of-need workgroup; amending the scope of responsibility for the workgroup; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Clary, further consideration of **SB 968** as amended was deferred.

SB 66—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Sullivan, **SB 66** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea to Nay—King

RECONSIDERATION OF BILL

On motion by Senator Sullivan, the Senate reconsidered the vote by which **SB 66** as amended passed this day.

Pending further consideration of **SB 66** as amended, on motion by Senator Sullivan, by two-thirds vote **CS for HB 795** was withdrawn from the Special Master; and the Committees on Criminal Justice; and Finance and Taxation.

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

CS for HB 795—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

—a companion measure, was substituted for **SB 66** as amended and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for HB 795** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

King Webster

Vote after roll call:

Yea—Holzendorf

CS for SB 1256—A bill to be entitled An act relating to nursing education; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the

Legislature an implementation plan detailing the impact and cost of any such proposed rule change; providing an effective date.

—was read the third time by title.

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

Amendment 1 (731672)(with title amendment)—On page 1, between lines 22 and 23, insert:

Section 2. Subsection (1) and paragraph (a) of subsection (7) of section 240.4075, Florida Statutes, are amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(1) To encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist, there is established the Nursing Student Loan Forgiveness Program. The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, birth centers, federally sponsored community health centers, and teaching hospitals, *family practice teaching hospitals, and specialty children's hospitals* by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs.

(7)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, county health departments, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07, *family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119. If, in any given fiscal quarter, there are insufficient funds in the trust fund to grant all eligible applicants' requests, awards must be based on the following priority by employer: county health departments, federally sponsored community health centers, state-operated medical and health care facilities, teaching hospitals as defined in s. 408.07, family practice teaching hospitals as defined in s. 395.805, specialty children's hospitals as described in s. 409.9119, and other hospitals, birthing centers, or nursing homes where the match is required.*

Section 3. Paragraph (b) of subsection (4) of section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship program.—

(4) Credit for repayment of a scholarship shall be as follows:

(b) Eligible health care facilities include state-operated medical or health care facilities, county health departments, federally sponsored community health centers, or teaching hospitals as defined in s. 408.07, *nursing homes, family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119.* The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

Section 4. *All the statutory powers, duties, and functions and the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Nursing Student Loan Forgiveness Program are transferred from the Department of Education to the Department of Health by a type two transfer as defined in section 20.06, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health;

On motion by Senator Campbell, **CS for SB 1256** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

RECESS

On motion by Senator Lee, the Senate recessed at 11:57 a.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:10 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

Consideration of **CS for CS for SB 268** and **CS for SB 1628** was deferred.

On motion by Senator Garcia—

SJR 1700—A joint resolution proposing the creation of Section 7 of Article VIII of the State Constitution, relating to amending certain county charters by special law.

—was read the second time by title.

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

Amendment 1 (970902)(with title amendment)—Delete everything after the enacting clause and insert:

That the following amendment to Section 6 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

ARTICLE VIII
LOCAL GOVERNMENT

SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) OFFICERS TO CONTINUE IN OFFICE. Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) ORDINANCES. Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain

The Senate resumed consideration of—

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

—which was previously considered this day. Pending **Amendment 1 (364342)** by Senator Klein was withdrawn.

On motion by Senator Sebesta, **CS for CS for SB 2058** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **HB 629** and **HB 855** were withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the Local Bill Calendar; and **HB 853** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar; and by two-thirds vote placed on the Local Bill Calendar.

in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the *Miami-Dade Metropolitan Dade County Home Rule Charter*, heretofore or hereafter adopted by the electors of *Miami-Dade Dade County* pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended. *However, notwithstanding any provision of Article VIII, Section 11, of the Constitution of 1885, as amended, or any limitations under this subsection, the Miami-Dade County Home Rule Charter may be amended or revised by special law approved by the electors of Miami-Dade County and, if approved, shall be deemed an amendment or revision of the charter by the electors of Miami-Dade County.*

(f) **DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES.** To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) **DELETION OF OBSOLETE SCHEDULE ITEMS.** The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VIII, SECTION 6
AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME

RULE CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM.—Proposing an amendment to the State Constitution to authorize amendments or revisions to the Miami-Dade County Home Rule Charter by special law approved by a vote of the electors of Miami-Dade County and to conform references to the county's current name.

And the title is amended as follows:

Delete everything before the enacting clause and insert: Senate Joint Resolution No. 1700 A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors.

Pursuant to Rule 4.19, **SJR 1700** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2214**, **CS for SJR 2236** and **CS for SB 1562** was deferred.

SB 330—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for the payment of a portion of cigarette taxes to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for certain purposes; amending s. 210.201, F.S.; providing for a cross reference; providing an effective date.

—was read the second time by title.

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

Amendment 1 (460434)—On page 3, line 25, delete “shall” and insert: *may shall*

On motion by Senator Sullivan, further consideration of **SB 330** with pending **Amendment 1** was deferred.

SENATOR SILVER PRESIDING

On motion by Senator Latvala—

CS for CS for SB 442—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.011, F.S.; requiring the division to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for committee meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors; authorizing the board to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the park; providing certain exceptions; specifying procedures for payments upon approval of the corporation; providing a penalty; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 442** to **CS for CS for HB 411**.

Pending further consideration of **CS for CS for SB 442** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 411** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Regulated Industries.

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

CS for CS for HB 411—A bill to be entitled An act relating to mobile homes; amending s. 215.559, F.S.; specifying the amount of funds to be used to inspect and improve tie-downs for mobile homes; requiring the Department of Community Affairs to contract with a public higher educational institution to serve as an administrative entity and fiscal agent for certain purposes; establishing responsibilities for such administrative entity; requiring a certain Type I Center to develop a work plan for certain purposes; revising the process for establishing an advisory council; requiring an annual report; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.011, F.S.; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors to be appointed by the Secretary of Business and Professional Regulation; providing for terms of office; specifying powers and duties of the board; authorizing the corporation to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the mobile home park; providing exceptions; specifying procedures for payments upon approval of the corporation; authorizing a mobile home owner to abandon the mobile home and collect one-fourth the amount of relocation expenses; providing a penalty; providing for recognition of existing contracts; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 442** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 411** was placed on the calendar of Bills on Third Reading.

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

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.

—which was previously considered May 1 with pending **Amendment 1 (924410)** by Senator Brown-Waite.

Senators Latvala and Brown-Waite offered the following substitute amendment which was moved by Senator Latvala and adopted:

Amendment 2 (330308)(with title amendment)—On page 6, line 17 through page 8, line 9, delete those lines and insert:

(5) Beginning July 1, 2001, \$10 million of the funds collected from the supplemental permit fee on cigarettes as created by SB 2214 or similar legislation becoming law in 2001, shall be transferred to the Florida Comprehensive Health Association created in s. 627.6488, for coverage of new participants. Effective April 1, 2002, the association may provide coverage for up to 500 persons for the period ending December 31, 2002. On or after January 1, 2003, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2000 persons.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 9-14, delete those lines and insert: manufacturer; providing for a transfer of funds collected from the supplemental permit fee or cigarettes to the Florida Comprehensive Health Association for coverage of new participation; providing for a portion of

The vote was:

Yeas—17

Bronson	Dyer	Latvala	Sebesta
Brown-Waite	Geller	Lawson	Sullivan
Burt	Holzendorf	Lee	
Carlton	King	Mitchell	
Cowin	Klein	Peaden	

Nays—16

Campbell	Jones	Posey	Silver
Crist	Laurent	Pruitt	Smith
Diaz de la Portilla	Meek	Sanderson	Villalobos
Garcia	Miller	Saunders	Webster

RECONSIDERATION OF AMENDMENT

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

On motion by Senator Burt, further consideration of **CS for CS for SB 2214** with pending **Amendment 1** and **Amendment 2** was deferred.

On motion by Senator Burt—

CS for SJR 2236—A joint resolution proposing the creation of Section 20 of Article X of the State Constitution, relating to miscellaneous matters, to prescribe the use of moneys in the Lawton Chiles Endowment Fund.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SJR 2236** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1562—A bill to be entitled An act relating to public-records exemptions; creating s. 569.215; providing that proprietary confidential business information used to negotiate or verify annual tobacco settlement payments are exempt from public records requirements; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1562** was placed on the calendar of Bills on Third Reading.

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

SB 330—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for the payment of a portion of cigarette taxes to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for certain purposes; amending s. 210.201, F.S.; providing for a cross reference; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (460434)** by the Committee on Health, Aging and Long-Term Care was adopted.

Senator Sullivan moved the following amendment which was adopted:

Amendment 2 (650710)(with title amendment)—On page 3, between lines 27 and 28, insert:

Section 3. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.512, Florida Statutes, shall not stand repealed on January 7, 2003, as scheduled by that subsection, but such section is revived and readopted.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: abrogating the repeal of s. 240.512, F.S., relating to the H. Lee Moffitt Cancer Center and Research Institute;

Pursuant to Rule 4.19, **SB 330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

CS for CS for SB 268—A bill to be entitled An act relating to DNA testing and analysis; amending s. 943.325, F.S.; requiring the Department of Law Enforcement to add certain felony offenses in a scheduled order to the DNA data banks's enumerated offenses; requiring the Department of Corrections to test certain violent felons in addition to those enumerated in the statute before being released from custody; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 268** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 1920—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 320.0805, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing for its purposes; providing for funding the trust fund; providing for legislative review and termination or re-creation of the trust fund; creating s. 320.08051, F.S.; providing for the levy of a surcharge on mobile home license taxes; amending s. 320.081, F.S.; providing for the collection and distribution of the license tax surcharge; amending s. 723.007, F.S.; providing for imposition of a surcharge on annual fees paid by mobile home park owners; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use

of the mobile home park in which the homeowner is required to move; providing certain exceptions; providing a contingent 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 (351172)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 723.06115, Florida Statutes, is created to read:

723.06115 Florida Mobile Home Relocation Trust Fund.—

(1) *There is established within the Department of Business and Professional Regulation the Florida Mobile Home Relocation Trust Fund, to be used by the department for the purpose of funding the administration and operations of the Florida Mobile Home Relocation Corporation. All interest earned from the investment or deposit of moneys in the trust fund shall be deposited in the trust fund. The trust fund shall be funded from the moneys collected by the department under s. 723.06116 from mobile home park owners who change the use of their mobile home parks and by other appropriated funds.*

(2) *Moneys in the Florida Mobile Home Relocation Trust Fund may be expended only:*

(a) *To pay the administration costs of the Florida Mobile Home Relocation Corporation; and*

(b) *To carry out the purposes and objectives of the Florida Mobile Home Relocation Corporation by making payments to mobile home owners under the relocation program.*

Section 2. *In accordance with Section 19(f)(2), Article III of the State Constitution, the Florida Mobile Home Relocation Trust Fund shall, unless terminated sooner, be terminated on July 1, 2005. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.*

Section 3. Section 723.06116, Florida Statutes, is created to read:

723.06116 Payments to the Florida Mobile Home Relocation Trust Fund.—

(1) *If a mobile home owner is required to move due to a change in use of the land comprising a mobile home park as set forth in s. 723.061(1)(d), the mobile home park owner shall, upon such change in use, pay to the department for deposit in the Florida Mobile Home Relocation Trust Fund \$2,000 for each single-section mobile home and \$2,500 for each multisection mobile home for which a mobile home owner has made application for payment of moving expenses.*

(2) *A mobile home park owner is not required to make the payment prescribed in subsection (1), nor is the mobile home owner entitled to compensation under s. 723.0612, when:*

(a) *The mobile home park owner moves a mobile home owner to another space in the mobile home park or to another mobile home park at the park owner's expense;*

(b) *A mobile home owner is vacating the premises and has informed the mobile home park owner or manager before the change in use notice has been given; or*

(c) *A mobile home owner abandons the mobile home as set forth in s. 723.0612(8).*

Section 4. *There is hereby appropriated to the Florida Mobile Home Relocation Trust Fund the sum of \$500,000 of nonrecurring revenues from the General Revenue Fund.*

Section 5. This act shall take effect on the effective date of Committee Substitute for Committee Substitute for Senate Bill 442, but it shall

not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 723.06115, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing purposes; providing funding; providing for legislative review and termination or re-creation of the trust fund; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park which requires a mobile home owner to move; providing exceptions; providing an appropriation; providing a contingent effective date.

Pursuant to Rule 4.19, **CS for SB 1920** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

SB 456—A bill to be entitled An act relating to public records; amending s. 288.1226, F.S.; abrogating the scheduled repeal of a public records exemption for trade secrets and for the identity of respondents to marketing or advertising research projects of the Florida Tourism Industry Marketing Corporation; eliminating an obsolete reference to legislative review; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 456** to **HB 393**.

Pending further consideration of **SB 456** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 393** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

HB 393—A bill to be entitled An act relating to a public records exemption for certain information obtained by the Florida Tourism Industry Marketing Corporation; amending s. 288.1226, F.S., which provides an exemption from public records requirements for the identity of any person responding to marketing or research projects conducted by the corporation and for trade secrets obtained pursuant thereto; 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 456** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 393** was placed on the calendar of Bills on Third Reading.

SB 344—A bill to be entitled An act relating to water and wastewater systems; reenacting s. 350.0611, F.S., relating to duties and powers of the Public Counsel; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment:

Amendment 1 (422502)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 367.171, Florida Statutes, is amended to read:

367.171 Effectiveness of this chapter.—

(8) Each county which is excluded from the provisions of this chapter shall regulate the rates of all utilities in that county which would otherwise be subject to regulation by the commission pursuant to s. 367.081(1), (2), (3), and (6). The county shall not regulate the rates or

charges of any system or facility which would otherwise be exempt from commission regulation pursuant to s. 367.022(2). For this purpose the county or its agency shall proceed as though the county or agency is the commission. ~~In all proceedings conducted by a county or its agency under the authority of this chapter, the provisions of ss. 120.569 and 120.57 shall apply.~~

Section 2. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission *and in proceedings before counties pursuant to s. 367.171(8)*. The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the commission *or the counties*, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission *or the counties* and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission *or the counties*, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission *or the counties* which shall be reviewable by summary procedure in the circuit courts of this state;

(2) To have access to and use of all files, records, and data of the commission *or the counties* available to any other attorney representing parties in a proceeding before the commission *or the counties*;

(3) In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission *or the counties*, or of any hearing examiner designated by the commission *or the counties*, in the name of the state or its citizens;

(4) To prepare and issue reports, recommendations, and proposed orders to the commission, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission, and to make such recommendations as he or she deems appropriate for legislation relative to commission procedures, rules, jurisdiction, personnel, and functions; *and*

(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission, in the name of the state or its citizens.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting the requirement that county rate proceedings follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; providing an effective date.

On motion by Senator Brown-Waite, further consideration of **SB 344** with pending **Amendment 1** was deferred.

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

—was read the second time by title.

On motion by Senator Garcia, further consideration of **CS for SB 436** was deferred.

On motion by Senator Pruitt—

CS for CS for SB 478—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; defining the term “public school member” for purposes of the system; amending s. 121.091, F.S.; providing retirement benefits payable to public school members; providing retroactive applicability; providing for funding of the revision of the Florida Retirement System by this act; providing a finding of important state interest; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 478** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, the Senate resumed consideration of—

SB 344—A bill to be entitled An act relating to water and wastewater systems; reenacting s. 350.0611, F.S., relating to duties and powers of the Public Counsel; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (422502)** by Senator Brown-Waite was withdrawn.

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

Amendment 2 (265016)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 367.171, Florida Statutes, is amended to read:

367.171 Effectiveness of this chapter.—

(8) Each county which is excluded from the provisions of this chapter shall regulate the rates of all utilities in that county which would otherwise be subject to regulation by the commission pursuant to s. 367.081(1), (2), (3), and (6). The county shall not regulate the rates or charges of any system or facility which would otherwise be exempt from commission regulation pursuant to s. 367.022(2). For this purpose the county or its agency shall proceed as though the county or agency is the commission. ~~In all proceedings conducted by a county or its agency under the authority of this chapter, the provisions of ss. 120.569 and 120.57 shall apply.~~

Section 2. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission *and in proceedings before counties pursuant to s. 367.171(8)*. The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the commission *or the counties*, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission *or the counties* and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission *or the counties*, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission *or the counties* which shall be reviewable by summary procedure in the circuit courts of this state;

(2) To have access to and use of all files, records, and data of the commission *or the counties* available to any other attorney representing parties in a proceeding before the commission *or the counties*;

(3) In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission *or the counties*, or of any hearing examiner designated by the commission *or the counties*, in the name of the state or its citizens;

(4) To prepare and issue reports, recommendations, and proposed orders to the commission, the Governor, and the Legislature on any

matter or subject within the jurisdiction of the commission, and to make such recommendations as he or she deems appropriate for legislation relative to commission procedures, rules, jurisdiction, personnel, and functions; and

(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission, in the name of the state or its citizens.

Section 3. Section 367.0816, Florida Statutes, is amended to read:

367.0816 Recovery of rate case expenses.—The amount of rate case expense determined by the commission pursuant to the provisions of this chapter to be recovered through a public utilities rate shall be apportioned for recovery over a period of 4 years. *At the conclusion of the recovery period, the rate of the public utility shall be reduced immediately by the amount of rate case expense previously included in rates.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting the requirement that county rate proceedings follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; amending s. 367.0816, F.S.; requiring a reduction in the rate case expense that is apportioned by a public utility at the conclusion of the recovery period; providing an effective date.

Pending further consideration of **SB 344** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB 41** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Brown-Waite, the rules were waived and by two-thirds vote—

CS for HB 41—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting the requirement that county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; recovery of rate case expenses; providing an effective date.

—a companion measure, was substituted for **SB 344** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 41** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 422—A bill to be entitled An act relating to prekindergarten early-intervention programs; amending s. 230.2305, F.S.; requiring the Florida Partnership for School Readiness to make recommendations to expand the prekindergarten early-intervention program to provide access to at-risk 4-year old children on a fee basis; requiring a report; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 422** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 878—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending such coverage at cost to part-time instructional personnel; providing an effective date.

—was read the second time by title.

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

Amendment 1 (391402)(with title amendment)—On page 2, lines 1-10, delete those lines and insert:

(2)(a) *Beginning July 1, 2001, educator professional liability coverage for all instructional personnel, as defined by s. 228.041(9), who are full-time personnel, as defined by the district school board policy, shall be provided by specific appropriations under the General Appropriations Act.*

(b) *Beginning July 1, 2001, educator professional liability coverage shall be extended at cost to all instructional personnel, as defined by s. 228.041(9), who are part-time personnel, as defined by the district school board policy, and choose to participate in the state provided program.*

(c) *Beginning July 1, 2001, educator professional liability coverage shall be extended at cost to all administrative personnel, as defined by s. 228.041(10), who choose to participate in the state provided program.*

And the title is amended as follows:

On page 1, line 10, after “personnel” insert: and to all administrative personnel

Pursuant to Rule 4.19, **SB 878** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

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

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 988** to **CS for HB 1633**.

Pending further consideration of **CS for SB 988** as amended, on motion by Senator Sullivan, by two-thirds vote **CS for HB 1633** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Sullivan—

CS for HB 1633—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing Department of Education duties relating to identification of student learning gains; providing an effective date.

—a companion measure, was substituted for **CS for SB 988** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1633** was placed on the calendar of Bills on Third Reading.

SB 1278—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; requiring the Department of Children and Family Services to develop an electronic data system, to compile specified information, and to transmit that information in an annual report to the Legislature; amending s. 228.041, F.S., relating to definitions; correcting a cross-reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—was read the second time by title.

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

Amendment 1 (912822)(with title amendment)—On page 4, between lines 18 and 19, insert a new section:

Section 5. *The sum of \$251,000 in nonrecurring Temporary Assistance for Needy Families (TANF) funds is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services to develop an electronic data transfer system.*

(Redesignate subsequent section.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: providing an appropriation;

On motion by Senator Burt, further consideration of **SB 1278** as amended was deferred.

On motion by Senator Rossin—

CS for SB 492—A bill to be entitled An act relating to the offense of possessing a firearm at school; amending s. 230.235, F.S.; requiring that a child found to have committed the act of bringing a firearm to school, to any school function, or onto any school-sponsored transportation be assigned to a disciplinary program or second-chance school; requiring that the court retain jurisdiction over the child during the expulsion period; providing that sanctions pursuant to s. 985.231, F.S., apply if the child fails to comply with the requirements of the disciplinary program or second-chance school; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 492** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 872—A bill to be entitled An act relating to the Florida Retirement System; amending s. 122.0515, F.S., relating to special risk membership; revising criteria for members employed as firefighters, emergency medical technicians, or paramedics; adding specified classes of members employed within a correctional or forensic facility or institution; amending s. 121.055, F.S., relating to the Senior Management Service Class; requiring participation in the class by assistant attorneys general; amending s. 121.4501, F.S.; redefining the term “approved provider” for purposes of the Public Employee Optional Retirement Program; revising requirements for transferring a member’s optional program account to the defined benefit plan; providing requirements for the State Board of Administration in administering the program; revising requirements for the board in selecting providers of investment products; requiring that providers comply with federal and state securities and insurance laws and rules governing the ethical marketing of investment products; requiring that the board develop procedures for resolving complaints of participants; prohibiting providers from selling or distributing customer lists generated through the optional retirement program; providing effective dates.

—was read the second time by title.

Senator Sanderson moved the following amendments which were adopted:

Amendment 1 (245002)—On page 14, lines 28-30, delete those lines and insert: *account balances and transactions; guidance, advice, and allocation services directly relating to its own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA) and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the optional retirement program; a broad array of distribution options; asset allocation; and retirement counseling and education.* Private sector companies

Amendment 2 (111714)(with title amendment)—On page 15, line 3 through page 16, line 3, delete those lines and insert:

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, at the employee’s discretion, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move to the defined benefit program, the employee must transfer from his or her Public Employee Optional Retirement Program account and from other employee moneys as necessary, a sum representing the present value of that employee’s accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the Public Employee Optional Retirement Program ~~all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.~~ *Benefit commencement occurs on the first date the employee would become eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the defined benefit plan, the then-present value of such accrued benefit shall be deemed part of the required transfer amount described in this subparagraph. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.*

3. *Notwithstanding subparagraph 2., an employee who chooses to move to the defined benefit program and who became eligible to participate in the Public Employee Optional Retirement Program by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her Public Employee Optional Retirement Program account and, from other employee moneys as necessary, a sum representing that employee’s actuarial accrued liability.*

4. *Employees’ ability to transfer from the Florida Retirement System defined benefit program to the Public Employee Optional Retirement Program pursuant to paragraphs (a) through (d), and the ability for current employees to have an option to later transfer back into the defined benefit program under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any such resulting unfunded liability arising from actual original transfers from the defined benefit program to the optional program shall be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, no direct amortization payment shall be calculated for this base.*

During this 25-year period, such separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. It is the legislative intent that the actuarial funded status of the Florida Retirement System defined benefit plan is neither beneficially nor adversely impacted by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following this initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: providing for amortization of any unfunded liability;

Senators Sanderson and Pruitt offered the following amendments which were moved by Senator Sanderson and adopted:

Amendment 3 (052946)—On page 17, delete line 6 and insert: *account balances and transactions, if these services are authorized by the board as part of the contract.*

Amendment 4 (662082)—On page 18, delete line 12 and insert: *more bundled providers each of whom may offer multiple who offer*

Amendment 5 (064970)—On page 19, line 16, delete “shall” and insert: *may*

Amendment 6 (571756)—On page 20, line 7, delete “applicable”

Amendment 7 (380066)—On page 20, delete line 8 and insert: *regulations applicable to the provider, as well as the applicable rules and guidelines of*

Amendment 8 (982380)—On page 20, line 26, delete “regulatory”

Senator Webster moved the following amendment which was adopted:

Amendment 9 (625064)(with title amendment)—On page 20, line 31, insert:

Section 4. Subsection (9) is added to section 121.0515, Florida Statutes, to read:

121.0515 Special risk membership.—

(9) CREDIT FOR UPGRADED SERVICE.—Any member of the Special Risk Class who has earned creditable service in another membership class of the Florida Retirement System as an emergency medical technician or paramedic, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit under this subsection shall be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

Section 5. *It is the intent of the Legislature that any additional cost attributable to the upgrade in the retirement benefits for emergency medical technicians and paramedics above the contributions paid in accordance with section 4 of this act shall be funded by recognition of the necessary amount from the excess actuarial assets of the Florida Retirement System Trust Fund.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30, after the semicolon (;) insert: amending s. 121.0515, F.S.; allowing certain Special Risk Class members of the Florida Retirement System to purchase additional retirement credit; providing for funding;

MOTION

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

Senator Holzendorf moved the following amendment which was adopted:

Amendment 10 (853260)(with title amendment)—On page 20, line 31, insert:

Section 4. Paragraph (e) of subsection (3) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected officers.—

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraphs (3)(a)-(d):

(e) Effective July 1, 2001 ~~1997~~, the governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected Officers' Class. Such election shall be made between July 1, 2001 ~~1997~~, and December 31, 2001 ~~1997~~, and shall be irrevocable. The designation of such positions shall be effective the first day of the month following receipt by the department of the ordinance or resolution passed by the governing body.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30, following the semicolon (;) insert: amending s. 121.052, F.S.; providing a period in which municipalities and special districts may designate elected positions for inclusion in the Elected Officers' Class;

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

Amendment 11 (743904)—On page 16, delete line 7 and insert: *services if those services cannot be competitively and contractually provided*

Pursuant to Rule 4.19, **CS for SB 872** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 1278—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; requiring the Department of Children and Family Services to develop an electronic data system, to compile specified information, and to transmit that information in an annual report to the Legislature; amending s. 228.041, F.S., relating to definitions; correcting a cross-reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **SB 1278** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 277** was withdrawn from the Committees on Education; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Burt—

CS for HB 277—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; reducing temporary cash assistance based on failure to meet certain education participation requirements; requiring conferences between Learnfare participants and school officials; requiring the development of an electronic data transfer system; amending s. 228.041, F.S., relating to definitions; correcting a cross reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—a companion measure, was substituted for **SB 1278** as amended and read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (154096)(with title amendment)—On page 4, between lines 19 and 20, insert:

Section 5. *The sum of \$251,000 in nonrecurring Temporary Assistance for Needy Families (TANF) funds is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services to develop an electronic data transfer system.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: providing an appropriation;

Pursuant to Rule 4.19, **CS for HB 277** as amended was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Burt—

CS for SB 388—A bill to be entitled An act relating to the Parole Commission; creating the “Parole Commission Reform Act”; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate’s program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate’s release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; conforming references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; amending s. 947.12, F.S.; providing for members of the parole qualifications committee to be reimbursed for per diem and travel expenses; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 388** to **CS for HB 245**.

Pending further consideration of **CS for SB 388** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 245** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Burt—

CS for HB 245—A bill to be entitled An act relating to the Parole Commission; creating the “Parole Commission Reform Act of 2001”; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for

automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate’s program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate’s release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; correcting references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing an effective date.

—a companion measure, was substituted for **CS for SB 388** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 245** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson, consideration of **SB 918** was deferred.

On motion by Senator King—

CS for CS for SB 1624—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Agency for Workforce Innovation; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1624** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2224—A bill to be entitled An act relating to the Department of Labor and Employment Security; transferring the Division of Workers’ Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers’ compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; providing for certain employees of the division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; transferring various functions, powers, duties, personnel, and assets relating to the Unemployment Appeals Commission to the Agency for Workforce Innovation; transferring various functions, powers, duties, personnel, and assets relating to the Public Employee Relations Commission to the Department of Management Services; transferring the Office of Information Services and related resources of the Department of Labor and Employment Security to the State Technology Office; providing for substitution of a successor agency as a party to judicial and administrative proceedings; transferring the administration of child labor laws to the Department of Business and Professional Regulation; transferring certain functions of the Office of the Secretary, the Office of Administrative Services, and the Office of General Counsel of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; transferring other workplace regulation functions to the Department of Business and Professional Regulation; providing for the continuation of contracts and agreements; making appropriations; amending s. 20.13, F.S.; creating the Division of Workers’ Compensation in the Department of Insurance; amending s. 440.015, F.S.; designating state agencies to administer the workers’ compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 110.205, 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125,

440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.25, 440.271, 440.345, 440.35, 440.381, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.012, 450.191, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.4416, F.S.; transferring the Workers' Compensation Oversight Board from the Department of Labor and Employment Security to the Department of Insurance; revising the membership and appointment of board members; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; repealing s. 20.171, F.S.; abolishing the Department of Labor and Employment Security; providing severability; providing legislative intent; providing effective dates.

—was read the second time by title.

On motion by Senator Clary, further consideration of **CS for CS for SB 2224** was deferred.

On motion by Senator Peaden—

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

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1680** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 2012—A bill to be entitled An act relating to character evidence; amending s. 90.404, F.S.; revising a provision of law governing character evidence to permit the admission of certain evidence of the defendant's commission of acts of child molestation under certain circumstances; providing a definition; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2012** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, consideration of **CS for CS for SB 2178** was deferred.

On motion by Senator King—

CS for CS for SB 738—A bill to be entitled An act relating to off-highway vehicles; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the T. Mark Schmidt Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing for the use of designated off-highway-vehicle funds within the Incidental Trust Fund of the Division of Forestry, Department of Agriculture and Consumer Services; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; providing for change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendments which were moved by Senator King and adopted:

Amendment 1 (115788)—On page 6, lines 1-4, delete those lines and insert:

(5) The members of the advisory committee shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061, while in the performance of their official duties.

Amendment 2 (821690)—On page 10, line 5 and on page 12, line 17, after "state" insert: *, except as otherwise permitted by the managing state or federal agency*

Amendment 3 (422924)—On page 17, line 16, delete "17" and insert: *16*

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

Amendment 4 (824008)—On page 20, line 22, after "residents," insert: *off-highway vehicles used for agricultural purposes, or off-highway vehicles rented for use on public beaches by concessionaires who are franchised by the public entities controlling those beaches,*

Senator King moved the following substitute amendment which was adopted:

Amendment 5 (053020)—On page 20, line 22, after "residents," insert: *off-highway vehicles in use for specific agricultural purposes, or off-highway vehicles rented for use on public beaches by concessionaires who are franchised by the public entities controlling those beaches*

Senator King moved the following amendments which were adopted:

Amendment 6 (422550)—On page 23, line 9, delete "14" and insert: *13*

Amendment 7 (020086)—On page 25, line 8, delete "4 through 21" and insert: *3 through 20*

Pursuant to Rule 4.19, **CS for CS for SB 738** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, consideration of **CS for CS for SB 1092** was deferred.

On motion by Senator Diaz de la Portilla—

SB 486—A bill to be entitled An act relating to public records; amending s. 288.1066, F.S.; abrogating the scheduled repeal of a public records exemption for specified business information received under the qualified defense contractor and qualified target industry tax refund programs; eliminating obsolete references to the Department of Commerce; making the listing of tax information covered by the public records exemption consistent with the program's terms and conditions; providing confidentiality for information concerning taxes paid by businesses while participating in the programs; providing confidentiality for information concerning jobs created and wages paid by such businesses; providing for future repeal and legislative review; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 486** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1188, SB 1958, SB 1906** and **SB 2126** was deferred.

On motion by Senator Diaz de la Portilla—

SB 454—A bill to be entitled An act relating to public records; amending s. 288.12295, F.S.; abrogating the scheduled expiration of a public records exemption for the identity of donors or prospective donors to the direct-support organization authorized to promote the sports industry and amateur athletics; eliminating an obsolete reference to legislative review; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 454** to **HB 387**.

Pending further consideration of **SB 454** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 387** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

HB 387—A bill to be entitled An act relating to a public records exemption for certain information obtained by the direct-support organization authorized to assist in the promotion of sports-related industries; amending s. 288.12295, F.S., which provides an exemption from public records requirements for the identity of donors and prospective donors to the direct-support organization; 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 454** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 387** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2028** was placed on the calendar of Bills on Third Reading.

CS for SB 1926—A bill to be entitled An act relating to workers' compensation; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in the definition of the term "casual"; excluding certain sports officials from the definition of the term "employee"; excluding work done by state prisoners and county inmates from the definition of employment; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for electronic payment of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring the employee to provide information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as the "response to petition"; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for a carrier that is uncertain of its obligations to provide benefits or compensation; waiving hearing requirements under certain circumstances; revising the period for payment; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report in certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge of Compensation Claims; amending s. 440.34, F.S.; providing for a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; conforming cross-references; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring legislative approval before modifying the number or location of the judges or mediators; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; revising Judicial Code of Conduct requirements; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to

initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; eliminating injury report; revising reporting requirements; transferring reporting responsibilities from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.593, F.S., providing enforcement authority relating to electronic reporting; amending s. 61.14, F.S.; requiring judges of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child-support arrearage from those settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending ss. 489.114, 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115, 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.311, F.S.; providing for use of policyholder surplus for purposes of funding certain deficits; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (685782)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 61.14, Florida Statutes, is amended to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(8)(a) *When reviewing and approving any lump-sum settlement under s. 440.20(11)(a) and (b), a judge of compensation claims must consider whether the settlement serves the interests of the worker and the worker's family, including, but not limited to, whether the settlement provides for appropriate recovery of any child-support arrearage.*

(b) *In accordance with Notwithstanding the provisions of s. 440.22, any compensation due or that may become due an employee under chapter 440 is exempt from garnishment, attachment, execution, and assignment of income, except for the purposes of enforcing child or spousal support obligations.*

Section 2. Paragraph (a) of subsection (2) of section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; retroactive child support.—

(2) Income shall be determined on a monthly basis for the obligor and for the obligee as follows:

(a) Gross income shall include, but is not limited to, the following items:

1. Salary or wages.
2. Bonuses, commissions, allowances, overtime, tips, and other similar payments.
3. Business income from sources such as self-employment, partnership, close corporations, and independent contracts. "Business income" means gross receipts minus ordinary and necessary expenses required to produce income.

4. Disability benefits.
5. *All workers' worker's compensation benefits and settlements.*
6. Unemployment compensation.
7. Pension, retirement, or annuity payments.
8. Social security benefits.
9. Spousal support received from a previous marriage or court ordered in the marriage before the court.
10. Interest and dividends.
11. Rental income, which is gross receipts minus ordinary and necessary expenses required to produce the income.
12. Income from royalties, trusts, or estates.
13. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.
14. Gains derived from dealings in property, unless the gain is non-recurring.

Section 3. Paragraph (b) of subsection (1) and subsection (4) of section 112.3145, Florida Statutes, are amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, *the Deputy Chief Judge of Compensation Claims*, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the warden or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

(4) Each elected constitutional officer, state officer, local officer, and specified state employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his or her level of government. For the purposes of this part, agencies of government shall be classified as state-level agencies or agencies below state level. Each local officer

shall file such report with the supervisor of elections of the county in which the officer is principally employed or is a resident. Each state officer, elected constitutional officer, and specified state employee shall file such report with the commission. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than the last day of each calendar quarter, for the previous calendar quarter. Representation before any agency shall be deemed to include representation by such officer or specified state employee or by any partner or associate of the professional firm of which he or she is a member and of which he or she has actual knowledge. For the purposes of this subsection, the term "representation before any agency" does not include appearances before any court or *the Deputy Chief Judge* Judges of Compensation Claims or judges of compensation claims or representations on behalf of one's agency in one's official capacity. Such term does not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

Section 4. Subsection (1) of section 120.65, Florida Statutes, is amended to read:

120.65 Administrative law judges.—

(1) The Division of Administrative Hearings within the Department of Management Services shall be headed by a director who shall be appointed by the Administration Commission and confirmed by the Senate. The director, who shall also serve as the chief administrative law judge, and any deputy chief administrative law judge must possess the same minimum qualifications as the administrative law judges employed by the division. *The Deputy Chief Judge of Compensation Claims must possess the minimum qualifications established in s. 440.45(2) and shall report to the director.* The division shall be a separate budget entity, and the director shall be its agency head for all purposes. The Department of Management Services shall provide administrative support and service to the division to the extent requested by the director. The division shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

Section 5. Paragraph (i) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(i)1. Except as provided in subparagraph 2., effective July 1, 1999, participation in the Senior Management Service Class is compulsory for any member of the Florida Retirement System who is employed as *the Deputy Chief Judge of Compensation Claims or as a judge of compensation claims with the Office of the Judges of Compensation Claims within the Division of Administrative Hearings* ~~Department of Labor and Employment Security.~~

2. In lieu of participating in the Senior Management Service Class, *the Deputy Chief Judge of Compensation Claims or a judge of compensation claims may participate in the Senior Management Service Optional Annuity Program established under subsection (6).*

Section 6. Paragraph (e) of subsection (3) of section 381.004, Florida Statutes, is amended to read:

381.004 HIV testing.—

(3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(e) Except as provided in this section, the identity of any person upon whom a test has been performed and test results are confidential and exempt from the provisions of s. 119.07(1). No person who has obtained

or has knowledge of a test result pursuant to this section may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons:

1. The subject of the test or the subject's legally authorized representative.

2. Any person, including third-party payors, designated in a legally effective release of the test results executed prior to or after the test by the subject of the test or the subject's legally authorized representative. The test subject may in writing authorize the disclosure of the test subject's HIV test results to third party payors, who need not be specifically identified, and to other persons to whom the test subject subsequently issues a general release of medical information. A general release without such prior written authorization is not sufficient to release HIV test results.

3. An authorized agent or employee of a health facility or health care provider if the health facility or health care provider itself is authorized to obtain the test results, the agent or employee participates in the administration or provision of patient care or handles or processes specimens of body fluids or tissues, and the agent or employee has a need to know such information. The department shall adopt a rule defining which persons have a need to know pursuant to this subparagraph.

4. Health care providers consulting between themselves or with health care facilities to determine diagnosis and treatment. For purposes of this subparagraph, health care providers shall include licensed health care professionals employed by or associated with state, county, or municipal detention facilities when such health care professionals are acting exclusively for the purpose of providing diagnoses or treatment of persons in the custody of such facilities.

5. The department, in accordance with rules for reporting and controlling the spread of disease, as otherwise provided by state law.

6. A health facility or health care provider which procures, processes, distributes, or uses:

a. A human body part from a deceased person, with respect to medical information regarding that person; or

b. Semen provided prior to July 6, 1988, for the purpose of artificial insemination.

7. Health facility staff committees, for the purposes of conducting program monitoring, program evaluation, or service reviews pursuant to chapters 395 and 766.

8. Authorized medical or epidemiological researchers who may not further disclose any identifying characteristics or information.

9. A person allowed access by a court order which is issued in compliance with the following provisions:

a. No court of this state shall issue such order unless the court finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for disclosure against the privacy interest of the test subject and the public interest which may be disserved by disclosure which deters blood, organ, and semen donation and future human immunodeficiency virus-related testing or which may lead to discrimination. This paragraph shall not apply to blood bank donor records.

b. Pleadings pertaining to disclosure of test results shall substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject's true name shall be communicated confidentially in documents not filed with the court.

c. Before granting any such order, the court shall provide the individual whose test result is in question with notice and a reasonable opportunity to participate in the proceedings if he or she is not already a party.

d. Court proceedings as to disclosure of test results shall be conducted in camera, unless the subject of the test agrees to a hearing in open court or unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice.

e. Upon the issuance of an order to disclose test results, the court shall impose appropriate safeguards against unauthorized disclosure which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

10. A person allowed access by order of a judge of compensation claims of the Division of ~~Administrative Hearings Workers' Compensation of the Department of Labor and Employment Security~~. A judge of compensation claims shall not issue such order unless he or she finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means.

11. Those employees of the department or of child-placing or child-caring agencies or of family foster homes, licensed pursuant to s. 409.175, who are directly involved in the placement, care, control, or custody of such test subject and who have a need to know such information; adoptive parents of such test subject; or any adult custodian, any adult relative, or any person responsible for the child's welfare, if the test subject was not tested under subparagraph (b)2. and if a reasonable attempt has been made to locate and inform the legal guardian of a test result. The department shall adopt a rule to implement this subparagraph.

12. Those employees of residential facilities or of community-based care programs that care for developmentally disabled persons, pursuant to chapter 393, who are directly involved in the care, control, or custody of such test subject and who have a need to know such information.

13. A health care provider involved in the delivery of a child can note the mother's HIV test results in the child's medical record.

14. Medical personnel or nonmedical personnel who have been subject to a significant exposure during the course of medical practice or in the performance of professional duties, or individuals who are the subject of the significant exposure as provided in subparagraphs (h)10., 11., and 13.

15. The medical examiner shall disclose positive HIV test results to the department in accordance with rules for reporting and controlling the spread of disease.

Section 7. Subsection (4), paragraph (d) of subsection (14), and paragraph (c) of subsection (16) of section 440.02, Florida Statutes, are amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(4) "Casual" as used in this section ~~refers shall be taken to refer only to employments for when the work that is anticipated contemplated is to be completed in not exceeding 10 working days or less, without regard to the number of persons employed, and at a when the total labor cost of such work is less than \$500 \$100.~~

(14)

(d) "Employee" does not include:

1. An independent contractor, if:

a. The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

b. The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal requirements;

c. The independent contractor performs or agrees to perform specific services or work for specific amounts of money and controls the means of performing the services or work;

d. The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform;

e. The independent contractor is responsible for the satisfactory completion of work or services that he or she performs or agrees to

perform and is or could be held liable for a failure to complete the work or services;

f. The independent contractor receives compensation for work or services performed for a commission or on a per-job or competitive-bid basis and not on any other basis;

g. The independent contractor may realize a profit or suffer a loss in connection with performing work or services;

h. The independent contractor has continuing or recurring business liabilities or obligations; and

i. The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

However, the determination as to whether an individual included in the Standard Industrial Classification Manual of 1987, Industry Numbers 0711, 0721, 0722, 0751, 0761, 0762, 0781, 0782, 0783, 0811, 0831, 0851, 2411, 2421, 2435, 2436, 2448, or 2449, or a newspaper delivery person, is an independent contractor is governed not by the criteria in this paragraph but by common-law principles, giving due consideration to the business activity of the individual.

2. A real estate salesperson or agent, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the division; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Any officer of a corporation who elects to be exempt from this chapter.

8. A sole proprietor or officer of a corporation who actively engages in the construction industry, and a partner in a partnership that is actively engaged in the construction industry, who elects to be exempt from the provisions of this chapter. Such sole proprietor, officer, or partner is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

11. *A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.*

(16)

(c) "Employment" does not include service performed by or as:

1. Domestic servants in private homes.
2. Agricultural labor performed on a farm in the employ of a bona fide farmer, or association of farmers, ~~that who~~ employs 5 or fewer regular employees and ~~that who~~ employs fewer than 12 other employees at one time for seasonal agricultural labor that is completed in less than 30 days, provided such seasonal employment does not exceed 45 days in the same calendar year. The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, fish, and truck farms, ranches, nurseries, and orchards. The term "agricultural labor" includes field foremen, timekeepers, checkers, and other farm labor supervisory personnel.
3. Professional athletes, such as professional boxers, wrestlers, baseball, football, basketball, hockey, polo, tennis, jai alai, and similar players, and motorsports teams competing in a motor racing event as defined in s. 549.08.
4. Labor under a sentence of a court to perform community services as provided in s. 316.193.
5. *State prisoners or county inmates, except those performing services for private employers or those enumerated in s. 948.03(8)(a).*

Section 8. Subsection (2) of section 440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(2) Benefits are not payable in respect of the disability or death of any employee covered by the Federal Employer's Liability Act, the Longshoremen's and Harbor Worker's Compensation Act, the Defense Base Act, or the Jones Act.

Section 9. Section 440.1025, Florida Statutes, is created to read:

440.1025 Consideration of public employer workplace safety program in rate-setting; program requirements; rulemaking.—For a public employer to be eligible for receipt of specific identifiable consideration under s. 627.0915 for a workplace safety program in the setting of rates, the public employer must have a workplace safety program. At a minimum, the program must include a written safety policy and safety rules, and make provision for safety inspections, preventative maintenance, safety training, first-aid, accident investigation, and necessary record keeping. For purposes of this section, "public employer" means "any agency within state, county, or municipal government employing individuals for salary, wages, or other remuneration." The Division may promulgate rules for insurers to utilize in determining public employer compliance with the requirements of this section.

Section 10. Paragraph (b) of subsection (3) of section 440.105, Florida Statutes, is amended to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(3) Whoever violates any provision of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) ~~It is shall be~~ unlawful for any attorney or other person, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association to receive any fee or other consideration or any gratuity from a person on account of services rendered for a person in connection with any proceedings arising under this chapter, unless such fee, consideration, or gratuity is approved by a judge of compensation claims or by the Deputy Chief Judge of Compensation Claims.

Section 11. Subsection (1) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(1) No compensation shall be allowed for the first 7 days of the disability, except benefits provided for in s. 440.13. However, if the injury results in disability of more than 21 days, compensation shall be allowed from the commencement of the disability. All weekly compensation payments, except for the first payment, shall be paid by check *or, if authorized by the employee, deposited directly into the employee's account at a financial institution. As used in this subsection, the term "financial institution" means a financial institution as defined in s. 655.005(1)(h).*

Section 12. Paragraph (a) of subsection (3) and paragraphs (b) and (c) of subsection (4) of section 440.13, Florida Statutes, are amended, and paragraph (f) is added to subsection (2) of that section, to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(f) Upon the written request of the employee, the carrier shall give the employee the opportunity for one change of physician during the course of treatment for any one accident. The employee shall be entitled to select another physician from among not fewer than three carrier-authorized physicians who are not professionally affiliated.

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(a) As a condition to eligibility for payment under this chapter, a health care provider who renders services must be a certified health care provider and must receive authorization from the carrier before providing treatment. This paragraph does not apply to emergency care. The division shall adopt rules to implement the certification of health care providers. ~~As a one-time prerequisite to obtaining certification, the division shall require each physician to demonstrate proof of completion of a minimum 5-hour course that covers the subject areas of cost containment, utilization control, ergonomics, and the practice parameters adopted by the division governing the physician's field of practice. The division shall coordinate with the Agency for Health Care Administration, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Chiropractic Association, the Florida Podiatric Medical Association, the Florida Optometric Association, the Florida Dental Association, and other health professional organizations and their respective boards as deemed necessary by the Agency for Health Care Administration in complying with this subsection. No later than October 1, 1994, the division shall adopt rules regarding the criteria and procedures for approval of courses and the filing of proof of completion by the physicians.~~

(4) NOTICE OF TREATMENT TO CARRIER; FILING WITH DIVISION.—

(b) *Upon the request of the Division of Workers' Compensation, each medical report or bill obtained or received by the employer, the carrier, or the injured employee, or the attorney for the employer, carrier, or injured employee, with respect to the remedial treatment, or care, and attendance of the injured employee, including any report of an examination, diagnosis, or disability evaluation, must be filed with the Division of Workers' Compensation pursuant to rules adopted by the division. The health care provider shall also furnish to the injured employee or to his or her attorney, on demand, a copy of his or her office chart, records, and reports, and may charge the injured employee an amount authorized by the division for the copies. Each such health care provider*

shall provide to the division ~~any additional~~ information about the remedial treatment, care, and attendance ~~which that~~ the division reasonably requests.

(c) It is the policy for the administration of the workers' compensation system that there be reasonable access to medical information by all parties to facilitate the self-executing features of the law. Notwithstanding the limitations in s. 456.057 and subject to the limitations in s. 381.004, upon the request of the employer, the carrier, *an authorized qualified rehabilitation provider*, or the attorney for the employer or carrier ~~either of them~~, the medical records of an injured employee must be furnished to those persons and the medical condition of the injured employee must be discussed with those persons, if the records and the discussions are restricted to conditions relating to the workplace injury. Any such discussions may be held before or after the filing of a claim without the knowledge, consent, or presence of any other party or his or her agent or representative. A health care provider who willfully refuses to provide medical records or to discuss the medical condition of the injured employee, after a reasonable request is made for such information pursuant to this subsection, shall be subject by the division to one or more of the penalties set forth in paragraph (8)(b).

Section 13. Paragraphs (a) and (b) of subsection (2) of section 440.134, Florida Statutes, are amended to read:

440.134 Workers' compensation managed care arrangement.—

(2) ~~(a)~~^(b) ~~Effective January 1, 1997,~~ The employer ~~may~~ *shall*, subject to the *terms and* limitations specified elsewhere in this *section and* chapter, furnish to the employee solely through managed care arrangements such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery requires.

~~(b)~~^(a) The agency shall authorize an insurer to offer or utilize a workers' compensation managed care arrangement after the insurer files a completed application along with the payment of a \$1,000 application fee, and upon the agency's being satisfied that the applicant has the ability to provide quality of care consistent with the prevailing professional standards of care and the insurer and its workers' compensation managed care arrangement otherwise meets the requirements of this section. No insurer may offer or utilize a managed care arrangement without such authorization. The authorization, unless sooner suspended or revoked, shall automatically expire 2 years after the date of issuance unless renewed by the insurer. The authorization shall be renewed upon application for renewal and payment of a renewal fee of \$1,000, provided that the insurer is in compliance with the requirements of this section and any rules adopted hereunder. An application for renewal of the authorization shall be made 90 days prior to expiration of the authorization, on forms provided by the agency. The renewal application shall not require the resubmission of any documents previously filed with the agency if such documents have remained valid and unchanged since their original filing.

Section 14. Subsection (5) is added to section 440.14, Florida Statutes, to read:

440.14 Determination of pay.—

(5) ^(a) *If the lost wages from concurrent employment are used in calculating the average weekly wage, the employee is responsible for providing information concerning the loss of earnings from the concurrent employment.*

^(b) *The employee waives any entitlement to interest, penalties, and attorney's fees during the period in which the employee has not provided information concerning the loss of earnings from concurrent employment. Carriers are not subject to penalties by the division under s. 440.20(8)(b) and (c) for unpaid compensation related to concurrent employment during the period in which the employee has not provided information concerning the loss of earnings from concurrent employment.*

Section 15. Subsection (7) of section 440.185, Florida Statutes, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(7) Every carrier shall file with the division within 21 days after the issuance of a policy or contract of insurance such policy information as

the division ~~requires may require~~, including notice of whether the policy is a minimum premium policy. Notice of cancellation or expiration of a policy as set out in s. 440.42(3) shall be mailed to the division in accordance with rules ~~adopted promulgated~~ by the division under chapter 120. *The division may contract with a private entity for the collection of policy information required to be filed by carriers under this subsection and the receipt of notices of cancellation or expiration of a policy required to be filed by carriers under s. 440.42(3). The submission of policy information or notices of cancellation or expiration to the contracted private entity satisfies the filing requirements of this subsection and s. 440.42(3).*

Section 16. Subsections (1), (2), (5), and (8) of section 440.192, Florida Statutes, are amended to read:

440.192 Procedure for resolving benefit disputes.—

(1) Subject to s. 440.191, any employee who has not received a benefit to which the employee believes she or he is entitled under this chapter shall ~~file by certified mail, or by electronic means approved by the Deputy Chief Judge, with the Office of the Judges of Compensation Claims a petition for benefits which meets the requirements of this section. The division shall inform employees of the location of the Office of the Judges of Compensation Claims for purposes of filing a petition for benefits. The employee shall also serve copies of the petition for benefits by certified mail, or by electronic means approved by the Deputy Chief Judge, upon the employer and, the employer's carrier, and the division in Tallahassee a petition for benefits that meets the requirements of this section. The Deputy Chief Judge shall refer the petitions to the judges of compensation claims. The division shall refer the petition to the Office of the Judges of Compensation Claims.~~

(2) *Upon receipt*, the Office of the Judges of Compensation Claims shall review each petition and shall dismiss each petition *or any portion of such a petition*, upon *the judge's* its own motion or upon the motion of any party, that does not on its face specifically identify or itemize the following:

(a) Name, address, telephone number, and social security number of the employee.

(b) Name, address, and telephone number of the employer.

(c) A detailed description of the injury and cause of the injury, including the location of the occurrence *and the date or dates of the accident.*

(d) A detailed description of the employee's job, work responsibilities, and work the employee was performing when the injury occurred.

(e) The time period for which compensation *and the specific classification of compensation were* not timely provided.

(f) Date of maximum medical improvement, character of disability, and specific statement of all benefits or compensation that the employee is seeking.

(g) All *specific* travel costs to which the employee believes she or he is entitled, including dates of travel and purpose of travel, means of transportation, and mileage *and including the date the request for mileage was filed with the carrier and a copy of the request filed with the carrier.*

(h) Specific listing of all medical charges alleged unpaid, including the name and address of the medical provider, the amounts due, and the specific dates of treatment.

(i) The type or nature of treatment care or attendance sought and the justification for such treatment.

(j) Specific explanation of any other disputed issue that a judge of compensation claims will be called to rule upon.

The dismissal of any petition or portion of such a petition under this section is without prejudice and does not require a hearing.

(5) All motions to dismiss must state with particularity the basis for the motion. The judge of compensation claims shall enter an order upon such motions without hearing, unless good cause for hearing is shown. When any petition *or portion of a petition* is dismissed for lack of specificity under this subsection, the claimant must be allowed 20 days after the

date of the order of dismissal in which to file an amended petition. Any grounds for dismissal for lack of specificity under this section *which are* not asserted within 30 days after receipt of the petition for benefits are thereby waived.

(8) Within 14 days after receipt of a petition for benefits by certified mail, the carrier must either pay the requested benefits without prejudice to its right to deny within 120 days from receipt of the petition or file a *response to petition notice of denial* with the Office of the Judges of Compensation Claims ~~division~~. The carrier must list all benefits requested but not paid and explain its justification for nonpayment in the *response to petition notice of denial*. A carrier that does not deny compensability in accordance with s. 440.20(4) is deemed to have accepted the employee's injuries as compensable, unless it can establish material facts relevant to the issue of compensability that could not have been discovered through reasonable investigation within the 120-day period. The carrier shall provide copies of the *response notice* to the filing party, employer, and claimant by certified mail.

Section 17. Paragraph (a) of subsection (1) and subsections (4), (6), and (11) of section 440.20, Florida Statutes, are amended to read:

440.20 Time for payment of compensation; penalties for late payment.—

(1)(a) Unless it denies compensability or entitlement to benefits, the carrier shall pay compensation directly to the employee as required by ss. 440.14, 440.15, and 440.16, in accordance with the obligations set forth in such sections. *If authorized by the employee, the carrier's obligation to pay compensation directly to the employee is satisfied when the carrier directly deposits, by electronic transfer or other means, compensation into the employee's account at a financial institution. As used in this paragraph, the term "financial institution" means a financial institution as defined in s. 655.005(1)(h). Compensation by direct deposit is considered paid on the date the funds become available for withdrawal by the employee.*

(4) If the carrier is uncertain of its obligation to provide benefits or compensation, it may initiate payment without prejudice and without admitting liability. The carrier shall immediately and in good faith commence investigation of the employee's entitlement to benefits under this chapter and shall admit or deny compensability within 120 days after the initial provision of compensation or benefits *as required under subsection (2) or s. 440.192(8)*. Upon commencement of payment *as required under subsection (2) or s. 440.192(8)*, the carrier shall provide written notice to the employee that it has elected to pay all or part of the claim pending further investigation, and that it will advise the employee of claim acceptance or denial within 120 days. A carrier that fails to deny compensability within 120 days after the initial provision of benefits or payment of compensation *as required under subsection (2) or s. 440.192(8)* waives the right to deny compensability, unless the carrier can establish material facts relevant to the issue of compensability that it could not have discovered through reasonable investigation within the 120-day period. *The initial provision of compensation or benefits, for purposes of this subsection, means the first installment of compensation or benefits to be paid by the carrier under subsection (2) or pursuant to a petition for benefits under s. 440.192(8).*

(6) If any installment of compensation for death or dependency benefits, disability, permanent impairment, or wage loss payable without an award is not paid within 7 days after it becomes due, as provided in subsection (2), subsection (3), or subsection (4), there shall be added to such unpaid installment a punitive penalty of an amount equal to 20 percent of the unpaid installment or \$5, which shall be paid at the same time as, but in addition to, such installment of compensation, unless notice is filed under subsection (4) or unless such nonpayment results from conditions over which the employer or carrier had no control. When any installment of compensation payable without an award has not been paid within 7 days after it became due and the claimant concludes the prosecution of the claim before a judge of compensation claims without having specifically claimed additional compensation in the nature of a penalty under this section, the claimant will be deemed to have acknowledged that, owing to conditions over which the employer or carrier had no control, such installment could not be paid within the period prescribed for payment and to have waived the right to claim such penalty. However, during the course of a hearing, the judge of compensation claims shall on her or his own motion raise the question of whether such penalty should be awarded or excused. The division may assess without

a hearing the punitive penalty against either the employer or the insurance carrier, depending upon who was at fault in causing the delay. The insurance policy cannot provide that this sum will be paid by the carrier if the division or the judge of compensation claims determines that the punitive penalty should be made by the employer rather than the carrier. Any additional installment of compensation paid by the carrier pursuant to this section shall be paid directly to the employee *by check or, if authorized by the employee, by direct deposit into the employee's account at a financial institution. As used in this subsection, the term "financial institution" means a financial institution as defined in s. 655.005(1)(h).*

(11)(a) *When a claimant is not represented by counsel*, upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation expenses and any other benefits provided under this chapter, shall be allowed at any time in any case in which the employer or carrier has filed a written notice of denial within 120 days after the *employer receives notice date* of the injury, and the judge of compensation claims at a hearing to consider the settlement proposal finds a justiciable controversy as to legal or medical compensability of the claimed injury or the alleged accident. The employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement under this section unless expressly authorized elsewhere in this chapter. Upon the joint petition of all interested parties and after giving due consideration to the interests of all interested parties, the judge of compensation claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for compensation and remedial treatment, care, and attendance, as well as rehabilitation expenses, by the payment of a lump sum. Such a compensation order so entered upon joint petition of all interested parties is not subject to modification or review under s. 440.28. If the settlement proposal together with supporting evidence is not approved by the judge of compensation claims, it shall be considered void. Upon approval of a lump-sum settlement under this subsection, the judge of compensation claims shall send a report to the Chief Judge of the amount of the settlement and a statement of the nature of the controversy. The Chief Judge shall keep a record of all such reports filed by each judge of compensation claims and shall submit to the Legislature a summary of all such reports filed under this subsection annually by September 15.

(b) *When a claimant is not represented by counsel*, upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation and rehabilitation expenses, and any other benefits provided under this chapter, may be allowed at any time in any case after the injured employee has attained maximum medical improvement. An employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement, unless expressly authorized elsewhere in this chapter. A compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. However, a judge of compensation claims is not required to approve any award for lump-sum payment when it is determined by the judge of compensation claims that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of liability of the employer for compensation shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation and, in her or his discretion, may have an investigation made by the Rehabilitation Section of the Division of Workers' Compensation. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. An employer shall have the right to appear at any hearing pursuant to this subsection which relates to the discharge of such employer's liability and to present testimony at such hearing. The carrier shall provide reasonable notice to the employer of the time and date of any such hearing and inform the employer of her or his rights to appear and testify. ~~When the claimant is represented by counsel or when the claimant and carrier or employer are represented by counsel, final approval of the lump-sum settlement agreement, as provided for in a joint petition and stipulation, shall be approved by entry of an order within 7 days after the filing of such joint petition and stipulation without a hearing, unless the judge of compensation claims determines, in her or his discretion, that additional testimony is needed before such settlement can be approved or~~

disapproved and so notifies the parties. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health and Human Services. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be disregarded. As a condition of approving a lump-sum payment to a surviving spouse, the judge of compensation claims, in the judge of compensation claims' discretion, may require security which will ensure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with s. 440.25.

(c) Notwithstanding s. 440.21(2), when a claimant is represented by counsel, the claimant may waive all rights to any and all benefits under this chapter by entering into a settlement agreement releasing the employer and the carrier from liability for workers' compensation benefits in exchange for a lump-sum payment to the claimant. The settlement agreement requires approval by the judge of compensation claims only as to the attorney's fees paid to the claimant's attorney by the claimant. The parties need not submit any information or documentation in support of the settlement, except as needed to justify the amount of the attorney's fees. Neither the employer nor the carrier is responsible for any attorney's fees relating to the settlement and release of claims under this section. Payment of the lump-sum settlement amount must be made within 14 days after the date the judge of compensation claims mails the order approving the attorney's fees. Any order entered by a judge of compensation claims approving the attorney's fees as set out in the settlement under this subsection is not considered to be an award and is not subject to modification or review. The judge of compensation claims shall report these settlements to the Deputy Chief Judge in accordance with the requirements set forth in paragraphs (a) and (b). Settlements entered into under this subsection are valid and apply to all dates of accident.

(d) With respect to any payment provision under this chapter, a judge of compensation claims must consider whether any and all benefits, including settlements, provide for appropriate recovery of any child support arrearage.

(e) This section applies to all claims that the parties have not previously settled, regardless of the date of accident.

Section 18. Section 440.22, Florida Statutes, is amended to read:

440.22 Assignment and exemption from claims of creditors.—No assignment, release, or commutation of compensation or benefits due or payable under this chapter except as provided by this chapter shall be valid, and such compensation and benefits shall be exempt from all claims of creditors, and from levy, execution and attachments or other remedy for recovery or collection of a debt, which exemption may not be waived. However, the exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony.

Section 19. Subsections (1), (2), (3), and (4) and paragraph (b) of subsection (5) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(1) Within 21 days after a petition for benefits is filed under s. 440.192, a mediation conference concerning such petition shall be held. Within 7 days after such petition is filed, the judge of compensation claims shall notify the interested parties that a mediation conference concerning such petition will be held. Such notice shall give the date, time, and location of the mediation conference. Such notice may be served personally upon the interested parties or may be sent to the interested parties by mail. *The claimant or the adjuster of the employer or carrier may, at the mediator's discretion, attend the mediation conference by telephone or, if agreed to by the parties, other electronic means.*

(2) Any party who participates in a mediation conference shall not be precluded from requesting a hearing following the mediation conference should both parties not agree to be bound by the results of the mediation conference. A mediation conference is required to be held unless this requirement is waived by the Deputy Chief Judge. No later

than 3 days prior to the mediation conference, all parties must submit any applicable motions, including, but not limited to, a motion to waive the mediation conference, to the judge of compensation claims.

(3) Such mediation conference shall be conducted informally and does not require the use of formal rules of evidence or procedure. Any information from the files, reports, case summaries, mediator's notes, or other communications or materials, oral or written, relating to a mediation conference under this section obtained by any person performing mediation duties is privileged and confidential and may not be disclosed without the written consent of all parties to the conference. Any research or evaluation effort directed at assessing the mediation program activities or performance must protect the confidentiality of such information. Each party to a mediation conference has a privilege during and after the conference to refuse to disclose and to prevent another from disclosing communications made during the conference whether or not the contested issues are successfully resolved. This subsection and paragraphs (4)(a) and (b) shall not be construed to prevent or inhibit the discovery or admissibility of any information that is otherwise subject to discovery or that is admissible under applicable law or rule of procedure, except that any conduct or statements made during a mediation conference or in negotiations concerning the conference are inadmissible in any proceeding under this chapter. The Deputy Chief Judge shall select a mediator. The mediator shall be employed on a full-time basis by the Office of the Judges of Compensation Claims. A mediator must be a member of The Florida Bar for at least 5 years and must complete a mediation training program approved by the Deputy Chief Judge. Adjunct mediators may be employed by the Office of the Judges of Compensation Claims on an as-needed basis and shall be selected from a list prepared by the Deputy Chief Judge. An adjunct mediator must be independent of all parties participating in the mediation conference. An adjunct mediator must be a member of The Florida Bar for at least 5 years and must complete a mediation training program approved by the Deputy Chief Judge. An adjunct mediator shall have access to the office, equipment, and supplies of the judge of compensation claims in each district. In the event both parties agree, the results of the mediation conference shall be binding and neither party shall have a right to appeal the results. In the event either party refuses to agree to the results of the mediation conference, the results of the mediation conference as well as the testimony, witnesses, and evidence presented at the conference shall not be admissible at any subsequent proceeding on the claim. The mediator shall not be called in to testify or give deposition to resolve any claim for any hearing before the judge of compensation claims. The employer may be represented by an attorney at the mediation conference if the employee is also represented by an attorney at the mediation conference.

(4)(a) If, on the 10th day following commencement of mediation, the questions in dispute have not been resolved, the judge of compensation claims shall hold a pretrial hearing. The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the pretrial hearing by mail. At the pretrial hearing, the judge of compensation claims shall, subject to paragraph (b), set a date for the final hearing that allows the parties at least 30 days to conduct discovery unless the parties consent to an earlier hearing date.

(b) The final hearing must be held and concluded within 45 days after the pretrial hearing. Continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. *The written consent of the claimant must be obtained before any request is granted for an additional continuance after the initial continuance has been granted.*

(c) The judge of compensation claims shall give the interested parties at least 7 days' advance notice of the final hearing, served upon the interested parties by mail.

(d) The hearing shall be held in the county where the injury occurred, if the injury occurred in this state, unless otherwise agreed to between the parties and authorized by the judge of compensation claims in the county where the injury occurred. If the injury occurred without the state and is one for which compensation is payable under this chapter, then the hearing above referred to may be held in the county of the employer's residence or place of business, or in any other county of the state which will, in the discretion of the Deputy Chief Judge, be the most convenient for a hearing. The hearing shall be conducted by a judge of compensation claims, who shall, within 30-44 days after final hearing or

closure of the hearing record, unless otherwise agreed by the parties, enter a final order on the merits of the disputed issues determine the dispute in a summary manner. The judge of compensation claims may enter an abbreviated final order in cases in which compensability is not disputed. Either party may request separate findings of fact and conclusions of law. At such hearing, the claimant and employer may each present evidence in respect of such claim and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing, the provisions of s. 440.13 shall apply. The report or testimony of the expert medical advisor shall be made a part of the record of the proceeding and shall be given the same consideration by the judge of compensation claims as is accorded other medical evidence submitted in the proceeding; and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13. No judge of compensation claims may make a finding of a degree of permanent impairment that is greater than the greatest permanent impairment rating given the claimant by any examining or treating physician, except upon stipulation of the parties.

(e) The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the Office of the *Judges of Compensation Claims division* at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon.

(f) Each judge of compensation claims is required to submit a special report to the *Deputy Chief Judge* in each contested workers' compensation case in which the case is not determined within 30-14 days of final hearing or *closure of the hearing record*. Said form shall be provided by the *director of the Division of Administrative Hearings Chief Judge* and shall contain the names of the judge of compensation claims and of the attorneys involved and a brief explanation by the judge of compensation claims as to the reason for such a delay in issuing a final order. ~~The Chief Judge shall compile these special reports into an annual public report to the Governor, the Secretary of Labor and Employment Security, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.~~

~~(g) Judges of compensation claims shall adopt and enforce uniform local rules for workers' compensation.~~

~~(g)(h)~~ Notwithstanding any other provision of this section, the judge of compensation claims may require the appearance of the parties and counsel before her or him without written notice for an emergency conference where there is a bona fide emergency involving the health, safety, or welfare of an employee. An emergency conference under this section may result in the entry of an order or the rendering of an adjudication by the judge of compensation claims.

~~(h)(i)~~ To expedite dispute resolution and to enhance the self-executing features of the Workers' Compensation Law, the *Deputy Chief Judge* shall make provision by rule or order for the resolution of appropriate motions by judges of compensation claims without oral hearing upon submission of brief written statements in support and opposition, and for expedited discovery and docketing.

~~(i)(j)~~ To further expedite dispute resolution and to enhance the self-executing features of the system, those petitions filed in accordance with s. 440.192 that involve a claim for benefits of \$5,000 or less shall, in the absence of compelling evidence to the contrary, be presumed to be appropriate for expedited resolution under this paragraph; and any other claim filed in accordance with s. 440.192, upon the written agreement of both parties and application by either party, may similarly be resolved under this paragraph. For purposes of expedited resolution pursuant to this paragraph, the *Deputy Chief Judge* shall make provision by rule or order for expedited and limited discovery and expedited docketing in such cases. At least 15 days prior to hearing, the parties shall exchange and file with the judge of compensation claims a pretrial outline of all issues, defenses, and witnesses on a form *adopted promulgated* by the *Deputy Chief Judge*; provided, in no event shall such hearing be held without 15 days' written notice to all parties. No pretrial hearing shall be held. The judge of compensation claims shall limit all argument and presentation of evidence at the hearing to a maximum of 30 minutes, and such hearings shall not exceed 30 minutes in length. Neither party shall

be required to be represented by counsel. The employer or carrier may be represented by an adjuster or other qualified representative. The employer or carrier and any witness may appear at such hearing by telephone. The rules of evidence shall be liberally construed in favor of allowing introduction of evidence.

(5)

(b) An appellant may be relieved of any necessary filing fee by filing a verified petition of indigency for approval as provided in s. 57.081(1) and may be relieved in whole or in part from the costs for preparation of the record on appeal if, within 15 days after the date notice of the estimated costs for the preparation is served, the appellant files with the judge of compensation claims a copy of the designation of the record on appeal, and a verified petition to be relieved of costs. A verified petition filed prior to the date of service of the notice of the estimated costs shall be deemed not timely filed. The verified petition relating to record costs shall contain a sworn statement that the appellant is insolvent and a complete, detailed, and sworn financial affidavit showing all the appellant's assets, liabilities, and income. Failure to state in the affidavit all assets and income, including marital assets and income, shall be grounds for denying the petition with prejudice. The *Office of the Judges of Compensation Claims division* shall ~~adopt promulgate~~ rules as may be required pursuant to this subsection, including forms for use in all petitions brought under this subsection. The appellant's attorney, or the appellant if she or he is not represented by an attorney, shall include as a part of the verified petition relating to record costs an affidavit or affirmation that, in her or his opinion, the notice of appeal was filed in good faith and that there is a probable basis for the District Court of Appeal, First District, to find reversible error, and shall state with particularity the specific legal and factual grounds for the opinion. Failure to so affirm shall be grounds for denying the petition. A copy of the verified petition relating to record costs shall be served upon all interested parties, including the division and the Office of the General Counsel, Department of Labor and Employment Security, in Tallahassee. The judge of compensation claims shall promptly conduct a hearing on the verified petition relating to record costs, giving at least 15 days' notice to the appellant, the division, and all other interested parties, all of whom shall be parties to the proceedings. The judge of compensation claims may enter an order without such hearing if no objection is filed by an interested party within 20 days from the service date of the verified petition relating to record costs. Such proceedings shall be conducted in accordance with the provisions of this section and with the workers' compensation rules of procedure, to the extent applicable. In the event an insolvency petition is granted, the judge of compensation claims shall direct the division to pay record costs and filing fees from the Workers' Compensation Trust Fund pending final disposition of the costs of appeal. The division may transcribe or arrange for the transcription of the record in any proceeding for which it is ordered to pay the cost of the record. ~~In the event the insolvency petition is denied, the judge of compensation claims may enter an order requiring the petitioner to reimburse the division for costs incurred in opposing the petition, including investigation and travel expenses.~~

Section 20. Section 440.271, Florida Statutes, is amended to read:

440.271 Appeal of order of judge of compensation claims.—Review of any order of a judge of compensation claims entered pursuant to this chapter shall be by appeal to the District Court of Appeal, First District. *To promote consistency and uniformity in the application of this chapter, the District Court of Appeal, First District, shall establish a specialized division to hear all appeals of orders of judges of compensation claims. The court may structure the division to hear workers' compensation cases exclusively or in addition to other appeals.* Appeals shall be filed in accordance with rules of procedure prescribed by the Supreme Court for review of such orders. The division shall be given notice of any proceedings pertaining to s. 440.25, regarding indigency, or s. 440.49, regarding the Special Disability Trust Fund, and shall have the right to intervene in any proceedings.

Section 21. Subsection (2) of section 440.29, Florida Statutes, is amended to read:

440.29 Procedure before the judge of compensation claims.—

(2) Hearings before the judge of compensation claims shall be open to the public, and the *Deputy Chief Judge* is authorized to designate the manner in which particular types of hearings are recorded and reported

and, when necessary, to contract for the reporting of such hearings. The Deputy Chief Judge shall arrange for the preparation of a record of the hearings and other proceedings before judges of compensation claims, as necessary, and is authorized to allow for the attendance of court reporters at hearings, for preparation of transcripts of testimony, for copies of any instrument, and for other reporting or recording services. The Deputy Chief Judge may charge the same fees allowed by law or court rule to reporters, persons preparing transcripts, or clerks of courts of this state for like services.

Section 22. Paragraph (b) of subsection (3) of section 440.34, Florida Statutes, is amended to read:

440.34 Attorney's fees; costs.—

(3) If the claimant should prevail in any proceedings before a judge of compensation claims or court, there shall be taxed against the employer the reasonable costs of such proceedings, not to include the attorney's fees of the claimant. A claimant shall be responsible for the payment of her or his own attorney's fees, except that a claimant shall be entitled to recover a reasonable attorney's fee from a carrier or employer:

(b) In any case in which the employer or carrier files a *response to petition notice of denial* with the *Office of the Judges of Compensation Claims division* and the injured person has employed an attorney in the successful prosecution of the claim; or

In applying the factors set forth in subsection (1) to cases arising under paragraphs (a), (b), (c), and (d), the judge of compensation claims must only consider only such benefits and the time reasonably spent in obtaining them as were secured for the claimant within the scope of paragraphs (a), (b), (c), and (d).

Section 23. Section 440.345, Florida Statutes, is amended to read:

440.345 Reporting of attorney's fees.—All fees paid to attorneys for services rendered under this chapter shall be reported to the *Office of the Judges of Compensation Claims division* as the *Office of the Judges of Compensation Claims division* requires by rule. The *Office of the Judges of Compensation Claims division* shall annually summarize such data in a report to the Workers' Compensation Oversight Board.

Section 24. Paragraphs (b), (c), and (f) of subsection (1) of section 440.38, Florida Statutes, are amended to read:

440.38 Security for compensation; insurance carriers and self-insurers.—

(1) Every employer shall secure the payment of compensation under this chapter:

(b) By furnishing satisfactory proof to the division of its financial ability to pay such compensation individually and on behalf of its subsidiary and affiliated companies with employees in this state and receiving an authorization from the division to pay such compensation directly in accordance with the following provisions:

1. The division may, ~~as a condition to such authorization, require an such employer to deposit with in a depository designated by the division a qualifying security deposit. The division shall determine the type and amount of the qualifying security deposit and shall either an indemnity bond or securities, at the option of the employer, of a kind and in an amount determined by the division and subject to such conditions as the division may prescribe conditions for the qualifying security deposit, which shall include authorization for to the division to call the qualifying security deposit in the case of default to sell any such securities sufficient to pay compensation awards or to bring suit upon such bonds, to procure prompt payment of compensation under this chapter. In addition, the division shall require, as a condition to authorization to self-insure, proof that the employer has provided for competent personnel with whom to deliver benefits and to provide a safe working environment. Further, the division shall require such employer to carry reinsurance at levels that will ensure the actuarial soundness of such employer in accordance with rules promulgated by the division. The division may by rule require that, in the event of an individual self-insurer's insolvency, such qualifying security deposits indemnity bonds, securities, and reinsurance policies are shall be payable to the Florida Self-Insurers Guaranty Association, Incorporated, created pursuant to s. 440.385. Any employer securing compensation in accordance with the provisions of this paragraph shall~~

be known as a self-insurer and shall be classed as a carrier of her or his own insurance.

2. If the employer fails to maintain the foregoing requirements, the division shall revoke the employer's authority to self-insure, unless the employer provides to the division the certified opinion of an independent actuary who is a member of the American Society of Actuaries as to the actuarial present value of the employer's determined and estimated future compensation payments based on cash reserves, using a 4-percent discount rate, and a qualifying security deposit equal to 1.5 times the value so certified. The employer shall thereafter annually provide such a certified opinion until such time as the employer meets the requirements of subparagraph 1. The qualifying security deposit shall be adjusted at the time of each such annual report. Upon the failure of the employer to timely provide such opinion or to timely provide a security deposit in an amount equal to 1.5 times the value certified in the latest opinion, the division shall then revoke such employer's authorization to self-insure, and such failure shall be deemed to constitute an immediate serious danger to the public health, safety, or welfare sufficient to justify the summary suspension of the employer's authorization to self-insure pursuant to s. 120.68.

3. Upon the suspension or revocation of the employer's authorization to self-insure, the employer shall provide to the division and to the Florida Self-Insurers Guaranty Association, Incorporated, created pursuant to s. 440.385 the certified opinion of an independent actuary who is a member of the American Society of Actuaries of the actuarial present value of the determined and estimated future compensation payments of the employer for claims incurred while the member exercised the privilege of self-insurance, using a discount rate of 4 percent. The employer shall provide such an opinion at 6-month intervals thereafter until such time as the latest opinion shows no remaining value of claims. With each such opinion, the employer shall deposit with the division a qualifying security deposit in an amount equal to the value certified by the actuary. The association has a cause of action against an employer, and against any successor of the employer, who fails to timely provide such opinion or who fails to timely maintain the required security deposit with the division. The association shall recover a judgment in the amount of the actuarial present value of the determined and estimated future compensation payments of the employer for claims incurred while the employer exercised the privilege of self-insurance, together with attorney's fees. For purposes of this section, the successor of an employer means any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of the employer.

4. A qualifying security deposit shall consist, at the option of the employer, of:

a. Surety bonds, in a form and containing such terms as prescribed by the division, issued by a corporation surety authorized to transact surety business by the Department of Insurance, and whose policyholders' and financial ratings, as reported in A.M. Best's Insurance Reports, Property-Liability, are not less than "A" and "V", respectively.

~~b.—Certificates of deposit with financial institutions, the deposits of which are insured through the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.~~

~~b.e. Irrevocable letters of credit in favor of the division issued by financial institutions located within this state, the deposits of which are insured through the Federal Deposit Insurance Corporation described in sub-subparagraph b.~~

~~d.—Direct obligations of the United States Treasury backed by the full faith and credit of the United States.~~

~~e.—Securities issued by this state and backed by the full faith and credit of this state.~~

5. The qualifying security deposit shall be held by the division, ~~or by a depository authorized by the division,~~ exclusively for the benefit of workers' compensation claimants. The security shall not be subject to assignment, execution, attachment, or any legal process whatsoever, except as necessary to guarantee the payment of compensation under this chapter. No surety bond may be terminated, and no *letter of credit* ~~other qualifying security~~ may be allowed to *expire lapse*, without 90 days' prior notice to the division and deposit by the self-insuring employer of *some* other qualifying security deposit of equal value within 10 business

days after such notice. Failure to provide such notice or failure to timely provide qualifying replacement security after such notice shall constitute grounds for the division to call or sue upon the surety bond; or to act with respect to other pledged security in any manner necessary to preserve its value for the purposes intended by this section, including the exercise *its* of rights under a letter of credit. *Current self-insured employers must comply with this section on or before December 31, 2001, or upon the maturity of existing security deposits, whichever occurs later; the sale of any security at then prevailing market rates, or the withdrawal of any funds represented by any certificate of deposit forming part of the qualifying security deposit.* The division may specify by rule the amount of the qualifying security deposit required prior to authorizing an employer to self-insure and the amount of net worth required for an employer to qualify for authorization to self-insure;

(c) By entering into a contract with a public utility under an approved utility-provided self-insurance program as set forth in s. 624.46225 440-574 in effect as of July 1, 1983. The division shall adopt rules to implement this paragraph;

(f) By entering into a contract with an individual self-insurer under an approved individual self-insurer-provided self-insurance program as set forth in s. 624.46225. The division may adopt rules to *administer* implement this subsection.

Section 25. Subsections (3), (5), (6), and (7) of section 440.44, Florida Statutes, are amended to read:

440.44 Workers' compensation; staff organization.—

(3) EXPENDITURES.—The division and the *director of the Division of Administrative Hearings* Chief Judge shall make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere, for law books; for telephone services and WATS lines; for books of reference, periodicals, equipment, and supplies; and for printing and binding as may be necessary in the administration of this chapter. All expenditures in the administration of this chapter shall be allowed and paid as provided in s. 440.50 upon the presentation of itemized vouchers therefor approved by the division or the *director of the Division of Administrative Hearings* Chief Judge.

(5) OFFICE.—The division and the *Deputy* Chief Judge shall maintain and keep open during reasonable business hours an office, which shall be provided in the Capitol or some other suitable building in the City of Tallahassee, for the transaction of business under this chapter, at which office the official records and papers shall be kept. The office shall be furnished and equipped. The division, any judge of compensation claims, or the *Deputy* Chief Judge may hold sessions and conduct hearings at any place within the state. *The Office of the Judges of Compensation Claims shall maintain the 17 district offices, 31 judges of compensation claims, and 31 mediators as they exist on June 30, 2001.*

(6) SEAL.—The division *and*, the judges of compensation claims, *and the* Chief Judge shall have a seal upon which shall be inscribed the words "State of Florida Department of *Insurance Labor and Employment Security—Seal*" and "*Division of Administrative Hearings—Seal*," respectively.²

(7) DESTRUCTION OF OBSOLETE RECORDS.—The division is expressly authorized to provide by regulation for and to destroy obsolete records of the division *and commission*. *The Division of Administrative Hearings is expressly authorized to provide by regulation for and to destroy obsolete records of the Office of the Judges of Compensation Claims.*

Section 26. Section 440.442, Florida Statutes, is amended to read:

440.442 Code of Judicial Conduct.—The *Deputy* Chief Judge, and judges of compensation claims shall observe and abide by the Code of Judicial Conduct as *adopted by the Florida Supreme Court provided in this section*. Any material violation of a provision of the Code of Judicial Conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of *the Deputy such* Chief Judge, or judge of compensation claims by the Governor.

~~(1) A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.—An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself or~~

~~herself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this code should be construed and applied to further that objective.~~

~~(2) A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS OR HER ACTIVITIES.—~~

~~(a) A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.~~

~~(b) A judge should not allow his or her personal relationships to influence his or her judicial conduct of judgment. A judge should not lend the prestige of the office to advance the private interest of others; nor convey or authorize others to convey the impression that they are in a special position to influence him or her. A judge should not testify voluntarily as a character witness.~~

~~(3) A JUDGE SHOULD PERFORM THE DUTIES OF OFFICE IMPARTIALLY AND DILIGENTLY.—The judicial duties of a judge take precedence over all his or her other activities. The judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards with respect to adjudicative responsibilities apply:~~

~~(a) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.~~

~~(b) A judge should maintain order and decorum in proceedings.~~

~~(c) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he or she must deal in an official capacity, and should request similar conduct of lawyers, and of his or her staff, court officials, and others subject to his or her direction and control.~~

~~(4) A JUDGE MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM, AND THE ADMINISTRATION OF JUSTICE.—A judge, subject to the proper performance of his or her judicial duties, may engage in the following quasi-judicial activities, if in doing so he or she does not cast doubt on his or her capacity to decide impartially on any issue that may come before him or her:~~

~~(a) Speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.~~

~~(b) Appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.~~

~~(c) Serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice and assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fundraising activities.~~

~~(d) Make recommendations to public and private fund granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.~~

~~(5) A JUDGE SHOULD REGULATE EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL DUTIES.—~~

~~(a) Avocational activities.—A judge may write, lecture, teach, and speak on nonlegal subjects, and engage in the arts, sports, or other social and recreational activities, if such avocational activities do not detract from the dignity of the office or interfere with the performance of judicial duties.~~

~~(b) Civil and charitable activities.—A judge may not participate in civic and charitable activities that reflect adversely upon his or her impartiality or interfere with the performance of his or her duties. A judge may serve as an officer, director, trustee, or nonlegal advisory of an educational, religious, charitable, fraternal, or civic organization not~~

conducted for the economic or political advantage of its members, subject to the following limitations:

1.—A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or her or will be regularly engaged in adversary proceedings in any court.

2.—A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of the office for that purpose, but may be listed as an officer, director, or trustee of such an organization. A judge should not be a speaker or a guest of honor at any organization's fundraising events, but may attend such events.

3.—A judge should not give investment advice to such an organization, but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

(c) ~~Financial activities.—~~

1.—A judge should refrain from financial and business dealings that tend to reflect adversely on his or her impartiality, interfere with the proper performance of his or her judicial duties, exploit his or her judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

2.—Subject to the requirements of subsection (1), a judge in an individual or corporate capacity may hold and manage investments, including real estate, and engage in other remunerative activity, but should not serve as an officer, director, manager, advisor, or employee of any business, except a closely held family business that does not conflict with subsection (1).

3.—A judge should manage his or her investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as the judge can do so without serious financial detriment, he or she should divest himself or herself of investments and other financial interests that might require frequent disqualifications.

4.—A judge should not accept a gift, bequest, favor, or loan from anyone except as follows:

a.—A judge may accept a gift incident to a public testimonial to him or her; books supplied by publishers on a complimentary basis for official use; or an invitation to the judge and spouse to attend a bar-related function or activity devoted to the improvement of the law, the legal system, or the administration of justice;

b.—A judge may accept ordinary hospitality; a gift, bequest, favor, or loan from a relative; a wedding or an engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;

c.—A judge may accept any other gift, bequest, favor, or loan exceeding \$100 only if the donor is not a party or other person whose interests have recently come or may likely come before him or her in the immediate future.

5.—A judge should make a reasonable effort to be informed about the personal financial interests of members of his or her family residing in the judge's household and shall report any gift, bequest, favor, or loan received thereby of which he or she has knowledge and which tends to reflect adversely on his or her impartiality, in the same manner as he or she reports compensation in subsection (6).

6.—For the purpose of this section, "member of his or her family residing in the judge's household" means any relative of a judge by blood or marriage, or a person treated by a judge as a member of his or her family, who resides in the judge's household.

7.—A judge is not required by this section to disclose his or her income, debts, or investments, except as provided in subsections (3) and (6).

8.—Information required by a judge in which his or her judicial capacity should not be used or disclosed by the judge in financial dealings or for any other purpose not related to his or her judicial duties.

(6) ~~FISCAL MATTERS OF JUDGES.—~~ Fiscal matters of a judge should be conducted in a manner that will not give the appearance of

influence or impropriety. A judge should regularly file public reports as required by s. 8, Art. II of the State Constitution, and should publicly report gifts.

(a) ~~Compensation for quasi-judicial and extrajudicial services and reimbursement of expenses.—~~ A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extrajudicial activities permitted by this section, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the impression of impropriety subject to the following restrictions:

1.—~~Compensation: Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.~~

2.—~~Expense reimbursement: Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, to his or her spouse. Any payment in excess of such an amount is compensation.~~

(b) ~~Public financial reporting.—~~

1.—~~Income and assets: A judge shall file such public reports as may be required by law for all public officials to comply fully with the provisions of s. 8, Art. II of the State Constitution. The form for public financial disclosure shall be that recommended or adopted by the Florida Commission on Ethics for use by all public officials. The form shall be filed in the office of the Commission on Ethics on the date prescribed by law.~~

2.—~~Gifts: A judge shall file a public report of all gifts which are required to be disclosed under Canons 5D(5)(h) and 6B(2) of the Code of Judicial Conduct. The report of gifts received in the preceding calendar year shall be filed in the office of the Commission on Ethics on or before July 1 of each year.~~

Section 27. Section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(1)(a) There is hereby created the Office of the Judges of Compensation Claims within the Department of *Management Services Labor and Employment Security*. The Office of the Judges of Compensation Claims shall be headed by the *Deputy* a Chief Judge of *Compensation Claims*. *The Deputy Chief Judge shall report to the director of the Division of Administrative Hearings*. The *Deputy* Chief Judge shall be appointed by the Governor for a term of 4 years from a list of three names submitted by the statewide nominating commission created under subsection (2). The *Deputy* Chief Judge must *demonstrate prior administrative experience* and possess the same qualifications for appointment as a judge of compensation claims, and the procedure for reappointment of the *Deputy* Chief Judge will be the same as for reappointment of a judge of compensation claims. The office shall be a separate budget entity and the *director of the Division of Administrative Hearings* Chief Judge shall be its agency head for all purposes. The Department of *Management Services Labor and Employment Security* shall provide administrative support and service to the office to the extent requested by the *director of the Division of Administrative Hearings* Chief Judge but shall not direct, supervise, or control the Office of the Judges of Compensation Claims in any manner, including, but not limited to, personnel, purchasing, budgetary matters, or property transactions. The operating budget of the Office of the Judges of Compensation Claims shall be paid out of the Workers' Compensation Administration Trust Fund established in s. 440.50.

(b) *The current term of the Chief Judge of Compensation Claims shall expire October 1, 2001. Effective October 1, 2001, the position of Deputy Chief Judge of Compensation Claims is created.*

(2)(a) The Governor shall appoint full-time judges of compensation claims to conduct proceedings as required by this chapter or other law. No person may be nominated to serve as a judge of compensation claims unless he or she has been a member of The Florida Bar in good standing for the previous 5 years and is *experienced* knowledgeable in the practice of law of workers' compensation. No judge of compensation claims shall engage in the private practice of law during a term of office.

(b) Except as provided in paragraph (c), the Governor shall appoint a judge of compensation claims from a list of three persons nominated

by a statewide nominating commission. The statewide nominating commission shall be composed of the following:

1. Five members, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are engaged in the practice of law. On July 1, 1999, the term of office of each person appointed by the Board of Governors of The Florida Bar to the commission expires. The Board of Governors shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term;

2. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Governor. On July 1, 1999, the term of office of each person appointed by the Governor to the commission expires. The Governor shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term; and

3. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in the territorial jurisdictions of the district courts of appeal, selected and appointed by a majority vote of the other 10 members of the commission. On October 1, 1999, the term of office of each person appointed to the commission by its other members expires. A majority of the other members of the commission shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning October 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning October 1, 1999. Thereafter, each member shall be appointed for a 4-year term.

A vacancy occurring on the commission shall be filled by the original appointing authority for the unexpired balance of the term. No attorney who appears before any judge of compensation claims more than four times a year is eligible to serve on the statewide nominating commission. The meetings and determinations of the nominating commission as to the judges of compensation claims shall be open to the public.

(c) Each judge of compensation claims shall be appointed for a term of 4 years, but during the term of office may be removed by the Governor for cause. Prior to the expiration of a judge's term of office, the statewide nominating commission shall review the judge's conduct and determine whether the judge's performance is satisfactory. *Effective July 1, 2002, in determining whether a judge's performance is satisfactory, the commission shall consider the extent to which the judge has met the requirements of this chapter, including, but not limited to, the requirements of ss. 440.192(2), 440.25(1) and (4)(a)-(f), 440.34(2), and 440.442.* If the judge's performance is deemed satisfactory, the commission shall report its finding to the Governor no later than 6 months prior to the expiration of the judge's term of office. The Governor shall review the commission's report and may reappoint the judge for an additional 4-year term. If the Governor does not reappoint the judge, the Governor shall inform the commission. The judge shall remain in office until the Governor has appointed a successor judge in accordance with paragraphs (a) and (b). If a vacancy occurs during a judge's unexpired term, the statewide nominating commission does not find the judge's performance is satisfactory, or the Governor does not reappoint the judge, the Governor shall appoint a successor judge for a term of 4 years in accordance with paragraph (b).

(d) *The Governor may appoint any attorney who has at least 5 years of experience in the practice of law in this state to serve as a judge of compensation claims pro hac vice in the absence or disqualification of any full-time judge of compensation claims or to serve temporarily as an additional judge of compensation claims in any area of the state in which the Governor determines that a need exists for such an additional judge. However, an attorney who is so appointed by the Governor may not serve for a period of more than 120 successive days.*

(e) *The director of the Division of Administrative Hearings may receive or initiate complaints, conduct investigations, and dismiss com-*

plaints against the Deputy Chief Judge and the judges of compensation claims on the basis of the Code of Judicial Conduct. The director may recommend to the Governor the removal of the Deputy Chief Judge or a judge of compensation claims or recommend the discipline of a judge whose conduct during his or her term of office warrants such discipline. For purposes of this section, the term "discipline" includes reprimand, fine, and suspension with or without pay. At the conclusion of each investigation, the director shall submit preliminary findings of fact and recommendations to the judge of compensation claims who is the subject of the complaint. The judge of compensation claims has 20 days within which to respond to the preliminary findings. The response and the director's rebuttal to the response must be included in the final report submitted to the Governor.

~~(3) The Chief Judge shall select from among the full time judges of the office two or more judges to rotate as docketing judges. Docketing judges shall review all claims for benefits for consistency with the requirements of this chapter and the rules of procedure, including, but not limited to, specificity requirements, and shall dismiss any claim that fails to comport with such rules and requirements. The docketing judge shall not dismiss any claim with prejudice without offering the parties an opportunity to appear and present argument. The Chief Judge may as he or she deems appropriate expand the duties of the docketing judges to include resolution without hearing of other types of procedural and substantive matters, including resolution of fee disputes.~~

~~(3)(4) The Chief Judge shall have the discretion to require mediation and to designate qualified persons to act as mediators in any dispute pending before the judges of compensation claims and the division. The Deputy Chief Judge shall coordinate with the Director of the Division of Workers' Compensation to establish a mandatory mediation program to facilitate early and efficient resolution of disputes arising under this chapter and to establish training and continuing education for new and sitting judges.~~

~~(4)(5) The Office of the Judges of Compensation Claims shall adopt promulgate rules to effect the purposes of this section. Such rules shall include procedural rules applicable to workers' compensation claim resolution and uniform criteria for measuring the performance of the office, including, but not limited to, the number of cases assigned and disposed, the age of pending and disposed cases, timeliness of decisionmaking, extraordinary fee awards, and other data necessary for the judicial nominating commission to review the performance of judges as required in paragraph (2)(c) performance indicators. The workers' compensation rules of procedure approved by the Supreme Court shall apply until the rules adopted promulgated by the Office of the Judges of Compensation Claims pursuant to this section become effective.~~

~~(5)(6) Not later than December 1 of each year, the Office of the Judges of Compensation Claims and the Division of Workers' Compensation shall jointly issue a written report to the Governor, the House of Representatives, and the Senate, The Florida Bar, and the statewide nominating commission summarizing the amount, cost, and outcome of all litigation resolved in the previous fiscal prior year, summarizing the disposition of mediation conferences, the number of mediation conferences held, the number of continuances granted for mediations and final hearings, the number and outcome of litigated cases, the amount of attorney's fees paid in each case according to order year and accident year, and the number of final orders not issued within 30 days after the final hearing or closure of the hearing record, applications and motions for mediation conferences and recommending changes or improvements to the dispute resolution elements of the Workers' Compensation Law and regulations. If the Deputy Chief Judge finds that judges generally are unable to meet a particular statutory requirement for reasons beyond their control, the Deputy Chief Judge shall submit such findings and any recommendations to the Legislature.~~

Section 28. Section 440.47, Florida Statutes, is amended to read:

440.47 Travel expenses.—The Deputy Chief Judge, judges of compensation claims, and employees of the department shall be reimbursed for travel expenses as provided in s. 112.061. Such expenses shall be sworn to by the person who incurred the same and shall be allowed and paid as provided in s. 440.50 upon the presentation of vouchers therefor approved by the director of the Division of Administrative Hearings Chief Judge or the department, whichever is applicable.

Section 29. Section 440.59, Florida Statutes, is amended to read:

440.59 Reporting requirements.—

(1) The department of Labor and Employment Security shall annually prepare a report of the administration of this chapter for the preceding calendar year, including a detailed statement of the receipts of and expenditures from the fund established in s. 440.50 and a statement of the causes of the accidents leading to the injuries for which the awards were made, together with such recommendations as the department considers advisable. On or before September 15 of each year, the department shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation.

~~(2) The Division of Workers' Compensation of the Department of Labor and Employment Security shall complete on a quarterly basis an analysis of the previous quarter's injuries which resulted in workers' compensation claims. The analysis shall be broken down by risk classification, shall show for each such risk classification the frequency and severity for the various types of injury, and shall include an analysis of the causes of such injuries. The division shall distribute to each employer and self-insurer in the state covered by the Workers' Compensation Law the data relevant to its workforce. The report shall also be distributed to the insurers authorized to write workers' compensation insurance in the state.~~

~~(2)(3)~~ The division shall annually prepare a closed claim report for all claims for which the employee lost more than 7 days from work and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation on or before September 15 of each year. The closed claim report shall include, but not be limited to, an analysis of all claims closed during the preceding year as to the date of accident, age of the injured employee, occupation of the injured employee, type of injury, body part affected, type and duration of indemnity benefits paid, permanent impairment rating, medical benefits identified by type of health care provider, and type and cost of any rehabilitation benefits provided.

~~(3)(4)~~ The division shall prepare an annual report for all claims for which the employee lost more than 7 days from work and shall submit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation, on or before September 15 of each year. The annual report shall include a status report on all cases involving work-related injuries in the previous 10 years. The annual report shall include, but not be limited to, the number of open and closed cases, the number of cases receiving various types of benefits, and the cash and medical benefits paid between the date of injury and the evaluation date, ~~the number of litigated cases, and the amount of attorney's fees paid in each case.~~

~~(5) The Chief Judge must prepare an annual report summarizing the disposition of mediation conferences and must submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Democratic and Republican Leaders of the Senate and the House of Representatives, and the chairs of the legislative committees having jurisdiction over workers' compensation, on or before September 15 of each year.~~

Section 30. Section 440.593, Florida Statutes, is amended to read:

440.593 Electronic reporting.—

(1) The division may establish by rule an electronic reporting system requiring or authorizing whereby an employer or carrier is required to submit required forms, reports, or other information electronically rather than by other means filing otherwise required forms or reports. The division may by rule establish different deadlines for submitting forms, reports, or reporting information to the division, or to its authorized agent, via the electronic reporting system than are otherwise required when reporting information by other means.

(2) The division may require any carrier to submit data electronically, either directly or through a third-party vendor, and may require

any carrier or vendor submitting data to the division electronically to be certified by the division. The division may specify performance requirements for any carrier or vendor submitting data electronically.

(3) The division may revoke the certification of any carrier or vendor determined by the division to be in noncompliance with performance standards prescribed by rule for electronic submissions.

(4) The division may assess a civil penalty, not to exceed \$500 for each violation, as prescribed by rule.

(5) The division is authorized to adopt rules to administer this section.

Section 31. Section 489.114, Florida Statutes, is amended to read:

489.114 Evidence of workers' compensation coverage.—*Except as provided in s. 489.115(5)(d)*, any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate, registration, or certificate of authority of the contractor, provide to the Construction Industry Licensing Board, as provided by board rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Labor and Employment Security receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that such cancellation has occurred or that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation shall result solely from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine as provided by rule. The failure to maintain workers' compensation coverage as required by law shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate, registration, or certificate of authority of the contractor under the provisions of s. 489.129.

Section 32. Paragraph (d) is added to subsection (5) of section 489.115, Florida Statutes, to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(5)

(d) An applicant for initial issuance of a certificate or registration shall submit as a prerequisite to qualifying for an exemption from workers' compensation coverage requirements under s. 440.05 an affidavit attesting to the fact that the applicant will obtain an exemption within 30 days after the date the initial certificate or registration is issued by the board.

Section 33. Section 489.510, Florida Statutes, is amended to read:

489.510 Evidence of workers' compensation coverage.—*Except as provided in s. 489.515(3)(b)*, any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the Electrical Contractors' Licensing Board, as provided by board rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Labor and Employment Security receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that such cancellation has occurred or that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation shall

result solely from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine as provided by rule. The failure to maintain workers' compensation coverage as required by law shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.533.

Section 34. Subsection (3) of section 489.515, Florida Statutes, is amended to read:

489.515 Issuance of certificates; registrations.—

(3)(a) As a prerequisite to the initial issuance or the renewal of a certificate or registration, the applicant shall submit an affidavit on a form provided by the board attesting to the fact that the applicant has obtained both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance for the health, safety, and welfare of the public in amounts determined by rule of the board. The board shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random audit method.

(b) An applicant for initial issuance of a certificate or registration shall submit as a prerequisite to qualifying for an exemption from workers' compensation coverage requirements under s. 440.05 an affidavit attesting to the fact that the applicant will obtain an exemption within 30 days after the date the initial certificate or registration is issued by the board.

Section 35. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—The Department of Insurance shall approve rating plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to rules adopted by the Division of Workers' Compensation of the Department of Labor and Employment Security or implement a safety program pursuant to provisions of the rating plan approved by the Division of Safety pursuant to rules adopted by the Division of Safety of the Department of Labor and Employment Security or implement both a drug-free workplace program and a safety program. The Division of Safety may by rule require that the client of a help supply services company comply with the essential requirements of a workplace safety program as a condition for receiving a premium credit. The plans must take effect January 1, 1994, must be actuarially sound; and must state the savings anticipated to result from such drug-testing and safety programs.

Section 36. Paragraph (p) of subsection (4) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(4)

(p) Neither the plan nor any member of the board of governors is liable for monetary damages to any person for any statement, vote, decision, or failure to act, regarding the management or policies of the plan, unless:

1. The member breached or failed to perform her or his duties as a member; and

2. The member's breach of, or failure to perform, duties constitutes:

a. A violation of the criminal law, unless the member had reasonable cause to believe her or his conduct was *not* unlawful. A judgment or other final adjudication against a member in any criminal proceeding for violation of the criminal law estops that member from contesting the fact that her or his breach, or failure to perform, constitutes a violation of the criminal law; but does not estop the member from establishing that she or he had reasonable cause to believe that her or his conduct was lawful or had no reasonable cause to believe that her or his conduct was unlawful;

b. A transaction from which the member derived an improper personal benefit, either directly or indirectly; or

c. Recklessness or any act or omission that was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. For purposes of this sub-subparagraph, the term "recklessness" means the acting, or omission to act, in conscious disregard of a risk:

(I) Known, or so obvious that it should have been known, to the member; and

(II) Known to the member, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such act or omission.

Section 37. Effective July 1, 2001, section 627.914, Florida Statutes, is amended to read:

627.914 Reports of information by workers' compensation insurers required.—

(1) The department shall ~~adopt promulgate~~ rules and statistical plans ~~that must which shall~~ thereafter be used by each insurer ~~and self-insurance fund as defined in s. 624.461~~ in the recording and reporting of loss, expense, and claims experience, in order that the experience of all insurers and ~~self-insurance funds self-insurers~~ may be made available at least annually in such form and detail as may be necessary to aid the department in determining whether Florida experience for workers' compensation insurance is sufficient for establishing rates.

~~(2) Any insurer authorized to write a policy of workers' compensation insurance shall transmit the following information to the department each year with its annual report, and such information shall be reported on a net basis with respect to reinsurance for nationwide experience and on a direct basis for Florida experience:~~

- ~~(a) Premiums written;~~
- ~~(b) Premiums earned;~~
- ~~(c) Dividends paid or credited to policyholders;~~
- ~~(d) Losses paid;~~
- ~~(e) Allocated loss adjustment expenses;~~
- ~~(f) The ratio of allocated loss adjustment expenses to losses paid;~~
- ~~(g) Unallocated loss adjustment expenses;~~
- ~~(h) The ratio of unallocated loss adjustment expenses to losses paid;~~
- ~~(i) The total of losses paid and unallocated and allocated loss adjustment expenses;~~
- ~~(j) The ratio of losses paid and unallocated and allocated loss adjustment expenses to premiums earned;~~
- ~~(k) The number of claims outstanding as of December 31 of each year;~~
- ~~(l) The total amount of losses unpaid as of December 31 of each year;~~
- ~~(m) The total amount of allocated and unallocated loss adjustment expenses unpaid as of December 31 of each year; and~~
- ~~(n) The total of losses paid and allocated loss adjustment expenses and unallocated loss adjustment expenses, plus the total of losses unpaid as of December 31 of each year and loss adjustment expenses unpaid as of December 31 of each year.~~

~~(3) A report of the information required in subsection (2) shall be filed no later than April 1 of each year and shall include the information for the preceding year ending December 31. All reports shall be on a calendar-accident year basis, and each calendar-accident year shall be reported at eight stages of development.~~

~~(2)(4) Each insurer and self-insurance fund authorized to write a policy of workers' compensation insurance shall transmit the following~~

information for paragraphs (a), (b), (d), and (e) annually on both Florida experience and nationwide experience separately:

- (a) Payrolls by classification.
- (b) Manual premiums by classification.
- (c) Standard premiums by classification.
- (d) Losses by classification and injury type.
- (e) Expenses.

A report of this information shall be filed no later than July April 1 of each year. All reports shall be filed in accordance with standard reporting procedures for insurers, which procedures have received approval by the department, and shall contain data for the most recent policy period available. A statistical or rating organization may be used by insurers and self-insurance funds to report the data required by this section. The statistical or rating organization shall report each data element in the aggregate only for insurers and self-insurance funds required to report under this section who elect to have the rating organization report on their behalf. Such insurers and self-insurance funds shall be named in the report.

~~(3)(5) Individual self-insurers as defined authorized to transact workers' compensation insurance as provided in s. 440.02 shall report only Florida data as prescribed in paragraphs (a)-(e) of subsection (2) (4) to the Division of Workers' Compensation of the Department of Labor and Employment Security.~~

(a) The Division of Workers' Compensation shall publish the dates and forms necessary to enable individual self-insurers to comply with this section.

~~(b) The Division of Workers' Compensation shall report the information collected under this section to the Department of Insurance in a manner prescribed by the department.~~

~~(b)(e)~~ A statistical or rating organization may be used by individual self-insurers for the purposes of reporting the data required by this section and calculating experience ratings.

~~(4)(6)~~ The department shall provide a summary of information provided pursuant to subsection ~~subsections (2) and (4)~~ in its annual report.

Section 38. (1) *The Office of the Judges of Compensation Claims is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Division of Administrative Hearings of the Department of Management Services.*

(2) *Four positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for coding or entering data contained within final orders issued by the judges of compensation claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.*

(3) *Ten positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for receiving and preparing docketing orders for the petitions for benefits and for receiving and entering data related to the petitions for benefits are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.*

(4) *Four positions within the Division of Workers' Compensation of the Department of Labor and Employment Security responsible for financial management, accounting, and budgeting for the Office of the Judges of Compensation Claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings of the Department of Management Services.*

Section 39. Except as otherwise provided herein, this act shall take effect October 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 workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross-reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to

initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

On motion by Senator King, further consideration of **CS for SB 1926** as amended was deferred.

On motion by Senator Diaz de la Portilla—

SB 484—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term "economic development agency" to include, for purposes of confidentiality of records, any public economic development agency of a county or a municipality; abrogating the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendments which were moved by Senator Diaz de la Portilla and adopted:

Amendment 1 (124472)—On page 2, line 2, after "331," insert: *the Florida Commercial Space Finance Corporation created in part III of chapter 331.*

Amendment 2 (932088)—On page 5, line 28, after the period (.) insert: *Furthermore, disclosure of financial or financing records during negotiations between private and public entities would discourage economic development in general, and have a negative impact on increasing the number of high technology, high paying jobs in the state.*

Senator Diaz de la Portilla moved the following amendment which was adopted:

Amendment 3 (635802)—In title, on page 1, line 5, after the comma (,) insert: *the Florida Commercial Space Financing Corporation and*

Pursuant to Rule 4.19, **SB 484** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

CS for SB 822—A bill to be entitled An act relating to government accountability and legal proceedings; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 287.058, F.S.; clarifying current requirement that contractor on certain state contracts must allow access to public records unless the records are exempt; amending s. 287.059, F.S.; providing additional requirements for contracts for private attorney services; providing requirements for contingency fee contracts; providing for binding arbitration in fee disputes; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; creating s. 60.08, F.S.; providing for injunctions without bond when sought by the state or its agencies; amending s. 86.091, F.S.; providing that the State of Florida, the Governor, any state department, agency, officer, or employee shall not be made a party in certain proceedings; amending s. 16.01, F.S.; clarifying that certain provisions are not intended to authorize the joinder of the Attorney General as party; amending s. 48.121, F.S.; clarifying that the section is not intended to authorize the joinder of the Attorney General or a state attorney as a party; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved which may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising provisions relating to the reporting and handling of claims by the Department of Insurance covered by the State Risk Management Trust Fund; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Dyer and adopted:

Amendment 1 (095390)(with title amendment)—On page 12, line 19 through page 13, line 14, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 25-29, delete and insert: *state or its agencies;* amending s. 16.01

MOTION

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

Senator Dyer moved the following amendment which was adopted:

Amendment 2 (132760)(with title amendment)—On page 17, between lines 3 and 4, insert:

Section 12. Section 45.051, Florida Statutes, is amended to read:

45.051 Execution of supersedeas bond when required of the state or its political subdivisions.—

(1) When a supersedeas bond is required by the appellate court under Rule 9.310(b)(2), Florida Rules of Appellate Procedure or an appeal or other proceeding is taken in any court and there is no court rule or statute exempting the parties from giving supersedeas, cost, or other required bond, the parties are authorized to make and execute the required bond with a corporate surety thereon duly licensed to do business in this state. The premium or other cost for the bond may be paid from the general necessary and regular appropriation of the party taking the appeal, in the case of the state or any of its officers, boards, commissions or other agencies, and from the county general fund, district school general fund, or otherwise as the case may be, in the case of a political subdivision of the state or any of its officers, boards, commissions or other agencies. The officers of the state and its political subdivisions and

the executive officers of their boards, commissions, and other agencies aforesaid, are authorized to make and execute the bonds on behalf of the parties.

(2) *In connection with an appeal taken by a state employee or official of a judgment against that employee or official in an individual capacity, as part of the legal defense being provided by the state risk management program, the Division of Risk Management may enter into an indemnification agreement for the purpose of securing an appellate supersedeas bond, provided that, under any such agreement, the liability of the State of Florida is limited to the amount of the judgment being appealed and any costs imposed by law or the appropriate court.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 22, after the first semicolon (;) insert: amending s. 45.051, F.S.; authorizing the Division of Risk Management to enter into indemnification agreements for supersedeas bonds;

Senator Dyer moved the following amendment which failed:

Amendment 3 (654318)(with title amendment)—On page 16, between lines 3 and 4, insert:

Section 11. *The Secretary of the Department of Lottery shall submit to the State Board of Administration, the Florida Senate, and the Florida House of Representatives, a report on the assessment of liquidated damages on the contract between the department and the on-line vendor. Such proposal shall include an analysis of any delays in the installation and operation of the on-line system and any periods when the on-line system was either inoperable or operating below performance. The report shall also include an estimate of liquidated damages based on the contract and the total sum of funds available for deposit in the Education Enhancement Trust Fund. The secretary shall not enter into any final agreement on the assessment of liquidated damages until such time as the report is submitted.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 18, after the semicolon (;) insert: requiring a report by the Secretary of the Department of Lottery;

Pursuant to Rule 4.19, **CS for SB 822** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz—

CS for CS for SB 856—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing a penalty; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services and the Department of Business and Professional Regulation to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the department to adopt rules and prescribe forms; amending s. 509.221, F.S.; providing for regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Wasserman Schultz:

Amendment 1 (152608)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 501.144, Florida Statutes, is created to read:

501.144 *Florida Infant Crib Safety Act.*—

(1) *SHORT TITLE.*—This section may be cited as the “Florida Infant Crib Safety Act.”

(2) *DEFINITIONS.*—As used in this section, the term:

(a) “Commercial user” means a dealer pursuant to s. 212.06(2), or any person who is in the business of manufacturing, remanufacturing, retrofitting, selling, leasing, or subletting full-size or non-full-size cribs. The term includes a child care facility, family day care home, large family child care home, and specialized child care facility for the care of mildly ill children, licensed by the Department of Children and Family Services or local licensing agencies.

(b) “Crib” means a bed or containment designed to accommodate an infant.

(c) “Department” means the Department of Agriculture and Consumer Services.

(d) “Full-size crib” means a full-size baby crib as defined in 16 C.F.R. part 1508, relating to requirements for full-size baby cribs.

(e) “Infant” means a person less than 35 inches tall and less than 3 years of age.

(f) “Non-full-size crib” means a non-full-size baby crib as defined in 16 C.F.R. part 1509, relating to requirements for non-full-size baby cribs.

(g) “Transient public lodging establishment” means any hotel, motel, resort condominium, transient apartment, roominghouse, bed and breakfast inn, or resort dwelling, as defined in s. 509.242.

(3) *PROHIBITED PRACTICES.*—

(a) A commercial user may not manufacture, remanufacture, retrofit, sell, contract to sell or resell, lease, or sublet a full-size or non-full-size crib that is unsafe for any infant using the crib because the crib does not conform to the standards set forth in paragraph (4)(a) or because the crib has any of the dangerous features or characteristics set forth in paragraph (4)(b).

(b) No transient public lodging establishment shall offer or provide for use a full-size or non-full-size crib that is unsafe for any infant using the crib because the crib does not conform to the standards set forth in paragraph (4)(a) or because the crib has any of the dangerous features or characteristics set forth in paragraph (4)(b). Further, violation of this section by a transient public lodging establishment is a violation of chapter 509 and is subject to the penalties set forth in s. 509.261.

(c) A violation of this section is a deceptive and unfair trade practice and constitutes a violation of part II of chapter 501, the Florida Deceptive and Unfair Trade Practices Act.

(4) *PRESUMPTION AS UNSAFE; CRITERIA.*—

(a) A crib is presumed to be unsafe under this section if it does not conform to all of the following:

1. 16 C.F.R. part 1303, relating to ban of lead-containing paint and certain consumer products bearing lead-containing paint; 16 C.F.R. part 1508, relating to requirements for full-size baby cribs; and 16 C.F.R. part 1509, relating to requirements for non-full-size baby cribs.

2. American Society for Testing and Materials Voluntary Standards F966-96, F1169-99, and F1822-97.

3. Rules adopted by the department which incorporate amendments or supplements to the regulations or standards described in subparagraphs 1. and 2.

(b) Cribs are unsafe which have any of the following dangerous features or characteristics:

1. Corner posts that extend more than 1/16 of an inch.

2. Spaces between side slats more than 2 3/8 inches.

3. A mattress support that can be easily dislodged from any point of the crib. A mattress segment can be easily dislodged if it cannot with-

stand at least a 25-pound upward force from underneath the crib. For portable folding cribs, this subparagraph shall not apply to mattress supports or mattress segments that are designed to allow the crib to be folded, provided that the crib is equipped with latches that work automatically to prevent the unintentional collapse of the crib.

4. Cutout designs on the end panels.
5. Rail-height dimensions that do not conform to the following:
 - a. The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least 9 inches.
 - b. The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position is at least 26 inches.
6. Upon completion of assembly, any screw, bolt, or hardware that is loose and not secured.
7. Any sharp edge, point, or rough surface or any wood surface that is not smooth and free from splinters, splits, or cracks.
8. A tear in mesh or fabric sides for a non-full-size crib.
9. With respect to portable folding cribs, latches that do not work automatically to prevent the unintentional collapse of the crib.
10. Crib sheets used on mattresses must be sized to match the mattress size.

(5) EXEMPTIONS; CIVIL IMMUNITY.—

(a) A crib that is clearly not intended for use by an infant, including, but not limited to, a toy or display item, is exempt from this section if the crib is accompanied, at the time of manufacturing, remanufacturing, retrofitting, selling, leasing, or subletting by a notice to be furnished by the commercial user on forms prescribed by the department declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

(b) A commercial user, other than a child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children, that has complied with the notice requirements set forth under paragraph (a) is immune from civil liability resulting from the use of a crib, notwithstanding the provisions of this section.

(6) PENALTY.—

(a) A commercial user, other than a commercial user subject to the penalties provided in paragraph (b) or paragraph (c), that willfully and knowingly violates subsection (3) commits a misdemeanor of the first degree, punishable by a fine of not more than \$10,000 and imprisonment for a term of not more than 1 year.

(b) A transient public lodging establishment that violates subsection (3) shall be subject to the penalties set forth in s. 509.261.

(c) A child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children that violates subsection (3) shall be subject to the penalties set forth in ss. 402.301-402.319.

(7) PUBLIC EDUCATION MATERIALS AND PROGRAMS.—The Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services may collaborate with any public agency or private sector entity to prepare public education materials or programs designed to inform parents, child care providers, commercial users, and any other person or entity that is likely to place unsafe cribs in the stream of commerce of the dangers posed by secondhand, hand-me-down, or heirloom cribs that do not conform to the standards set forth in this section or that have any of the dangerous features or characteristics set forth in this section.

(8) RULEMAKING AUTHORITY.—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 2. Subsection (10) is added to section 509.221, Florida Statutes, to read:

509.221 Sanitary regulations.—

(10) No transient public lodging establishment shall offer or provide for use a full-size or non-full-size crib that is unsafe for any infant using the crib because it is not in conformity with the requirements of s. 501.144.

Section 3. Section 509.032, Florida Statutes, is reenacted to read:

509.032 Duties.—

(1) GENERAL.—The division shall carry out all of the provisions of this chapter and all other applicable laws and rules relating to the inspection or regulation of public lodging establishments and public food service establishments for the purpose of safeguarding the public health, safety, and welfare. The division shall be responsible for ascertaining that an operator licensed under this chapter does not engage in any misleading advertising or unethical practices.

(2) INSPECTION OF PREMISES.—

(a) The division has responsibility and jurisdiction for all inspections required by this chapter. The division has responsibility for quality assurance. Each licensed establishment shall be inspected at least biannually and at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall establish a system to determine inspection frequency. Public lodging units classified as resort condominiums or resort dwellings are not subject to this requirement, but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector identifies vulnerable adults who appear to be victims of neglect, as defined in s. 415.102, or, in the case of a building that is not equipped with automatic sprinkler systems, tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: the Department of Health, the Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants and clients, and other relevant organizations, to develop a plan which improves the prospects for safety of affected residents and, if necessary, identifies alternative living arrangements such as facilities licensed under part II or part III of chapter 400.

(b) For purposes of performing required inspections and the enforcement of this chapter, the division has the right of entry and access to public lodging establishments and public food service establishments at any reasonable time.

(c) Public food service establishment inspections shall be conducted to enforce provisions of this part and to educate, inform, and promote cooperation between the division and the establishment.

(d) The division shall adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness in those establishments licensed under this chapter. These rules shall provide the standards and requirements for obtaining, storing, preparing, processing, serving, or displaying food in public food service establishments, approving public food service establishment facility plans, conducting necessary public food service establishment inspections for compliance with sanitation regulations, cooperating and coordinating with the Department of Health in epidemiological investigations, and initiating enforcement actions, and for other such responsibilities deemed necessary by the division. The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any public lodging or public food service establishment. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. The division shall provide technical assistance to the commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern public lodging and public food service establishments. Further, the division shall enforce the provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to public lodging and public food service establishments in conducting any inspections authorized by this part.

(e)1. Relating to facility plan approvals, the division may establish, by rule, fees for conducting plan reviews and may grant variances from construction standards in hardship cases, which variances may be less restrictive than the provisions specified in this section or the rules adopted under this section. A variance may not be granted pursuant to this section until the division is satisfied that:

- a. The variance shall not adversely affect the health of the public.
- b. No reasonable alternative to the required construction exists.
- c. The hardship was not caused intentionally by the action of the applicant.

2. The division's advisory council shall review applications for variances and recommend agency action. The division shall make arrangements to expedite emergency requests for variances, to ensure that such requests are acted upon within 30 days of receipt.

3. The division shall establish, by rule, a fee for the cost of the variance process. Such fee shall not exceed \$150 for routine variance requests and \$300 for emergency variance requests.

(f) In conducting inspections of establishments licensed under this chapter, the division shall determine if each coin-operated amusement machine that is operated on the premises of a licensed establishment is properly registered with the Department of Revenue. Each month the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed establishment that has on location a coin-operated amusement machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(i).

(g) In inspecting public food service establishments, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 570.0725.

(3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.—The division shall:

(a) Prescribe sanitary standards which shall be enforced in public food service establishments.

(b) Inspect public lodging establishments and public food service establishments whenever necessary to respond to an emergency or epidemiological condition.

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days prior to the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendor owners and operators participating in each event, and the current license numbers of all public food service establishments participating in each event. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors, including the food-recovery brochure developed under s. 570.0725.

3.a. A public food service establishment or other food vendor must obtain a license from the division for each temporary food service event in which it participates.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events of 3 days or less in duration.

(4) STOP-SALE ORDERS.—The division may stop the sale, and supervise the proper destruction, of any food or food product when the director or the director's designee determines that such food or food product represents a threat to the public safety or welfare. If the operator of a public food service establishment licensed under this chapter has

received official notification from a health authority that a food or food product from that establishment has potentially contributed to any instance or outbreak of food-borne illness, the food or food product must be maintained in safe storage in the establishment until the responsible health authority has examined, sampled, seized, or requested destruction of the food or food product.

(5) REPORTS REQUIRED.—The division shall send the Governor a written report, which shall state, but not be limited to, the total number of inspections conducted by the division to ensure the enforcement of sanitary standards, the total number of inspections conducted in response to emergency or epidemiological conditions, the number of violations of each sanitary standard, and any recommendations for improved inspection procedures. The division shall also keep accurate account of all expenses arising out of the performance of its duties and all fees collected under this chapter. The report shall be submitted by September 30 following the end of the fiscal year.

(6) RULEMAKING AUTHORITY.—The division shall adopt such rules as are necessary to carry out the provisions of this chapter.

(7) PREEMPTION AUTHORITY.—The regulation of public lodging establishments and public food service establishments, the inspection of public lodging establishments and public food service establishments for compliance with the sanitation standards adopted under this section, and the regulation of food safety protection standards for required training and testing of food service establishment personnel are preempted to the state. This subsection does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.022.

Section 4. Section 402.3031, Florida Statutes, is created to read:

402.3031 Infant crib safety.—No child care facility, family day care home, large family child care home, or specialized child care facility for the care of mildly ill children shall offer or provide for use a full-size or non-full-size crib that is not in conformity with the requirements of s. 501.144. The department shall enforce the provisions of this section and may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 5. This act shall take effect October 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 infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; providing an effective date.

WHEREAS, the disability and death of infants resulting from injuries sustained in crib accidents are a serious threat to the public health, safety, and welfare of the people of the state, and

WHEREAS, the design and construction of an infant crib must ensure that it is safe, and a parent or caregiver has a right to believe that an infant crib in use is a safe containment in which to place an infant, and

WHEREAS, more than 13,000 infants are injured in unsafe cribs every year, and

WHEREAS, prohibiting the manufacture, remanufacture, retrofitting, sale, contracting to sell or resell, leasing, or subletting of unsafe infant cribs, particularly unsafe secondhand, hand-me-down, or heirloom cribs, will reduce injuries and deaths caused by cribs, and

WHEREAS, it is the intent of the Legislature to reduce the occurrence of injuries and deaths to infants as a result of unsafe cribs that do not conform to modern safety standards by making it illegal to manufacture, remanufacture, retrofit, sell, contract to sell or resell, lease, or sublet, any full-size or non-full-size crib that is unsafe, and

WHEREAS, it is the intent of the Legislature to encourage public and private collaboration in disseminating materials relative to the safety of infant cribs to parents, child care providers, and those individuals who would be likely to sell, donate, or otherwise provide to others unsafe infant cribs, NOW, THEREFORE,

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

Amendment 1A (552086)—On page 3, lines 18-20, delete those lines and insert:

3. Rules adopted by the department which implement the provisions of this subsection.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 856** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 858—A bill to be entitled An act relating to domestic violence; requiring the Department of Children and Family Services to provide training on domestic violence and child protection to specified professionals by a specified date; providing for the content of training; requiring the department to assess the need for special training of staff members and professionals who interact with families in which there is domestic violence and child abuse; requiring collaboration with other groups and state agencies; requiring a report to the Governor and the Legislature; requiring the department to conduct pilot programs in which department staff perform the role of domestic violence consultants participating in protective investigative units; specifying duties of the consultants; specifying qualifications and minimum numbers of such consultants per county; providing for compensation; requiring the department to collect and analyze data on the effectiveness of the domestic violence consultants; requiring a report to the Governor and the Legislature; providing guidelines for administrative rules or operating procedures relating to protective investigations of families in which domestic violence exists; requiring the department to form a work group concerned with the procedures for identifying perpetrators of child abuse; requiring a report to the Governor and the Legislature; amending s. 741.30, F.S.; requiring batterer's intervention programs to provide to the court certain documents for the case file; providing prerequisites to dissolving an injunction against a respondent in a domestic violence case; requiring the Office Of Program Policy Analysis and Government Accountability to conduct an examination of the batterer's intervention programs; specifying requirements of the study; requiring consultation with key stakeholders; providing for phase I and phase II reports to the Legislature; amending s. 39.903, F.S.; revising the duties of the department with respect to domestic violence; amending s. 39.904, F.S.; amending the list of subject matter to be included in the department's annual report to the Legislature on the status of domestic violence cases; providing an appropriation for districtwide joint training of domestic violence center and child protection staff; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 858** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 804** was deferred.

On motion by Senator Dawson—

CS for SB 1056—A bill to be entitled An act relating to the care of children; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; revising eligibility guidelines; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising the list of eligible children to include otherwise eligible children for whom the state is paying a relative caregiver payment; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; exempting from the payment of specified fees otherwise eligible students for whom the state is paying a relative caregiver payment; amending ss. 240.235, 240.35, F.S.; exempting certain children in the custody of a relative from payment of postsecondary undergraduate fees; requiring the Department of Children and Family Services to contract for a study of relative caregiver families; requiring a report to be submitted to the Department of Children and Family Services and the Legislature; providing an effective date.

—was read the second time by title.

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

Amendment 1 (571126)—On page 2, delete line 10 and insert: successfully be able to be placed by the dependency court in

Pursuant to Rule 4.19, **CS for SB 1056** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1312—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; amending s. 154.02, F.S.; requiring that certain moneys in each County Health Department Trust Fund be set aside and used for specified purposes; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0059, F.S.; revising background-screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016, 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the department to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; revising provisions relating to pharmacy wholesaler permits; amending s. 742.10, F.S.; requiring a voluntary acknowledgement of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 383.14, F.S.; specifying that screenings for specified medical disorders must be performed by the state Public Health Laboratory; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; amending s. 509.049, F.S.; revising provisions relating to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment:

Amendment 1 (874776)(with title amendment)—On page 35, between lines 22 and 23, insert:

Section 26. Paragraph (e) of subsection (5) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in s. 125.011(1) may levy the surtax authorized in this subsection pursuant to an ordinance either approved by extraordinary vote of the county commission or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. In a county as defined in s. 125.011(1), for the purposes of this subsection, "county public general hospital" means a general hospital as defined in s. 395.002 which is owned, operated, maintained, or governed by the county or its agency, authority, or public health trust.

(e) ~~The Health Policy Authority, created by the county commission, shall adopt and implement a health care plan for indigent health care services. A governing board, agency, or authority shall be chartered by the county commission upon this act becoming law. The governing board, agency, or authority shall adopt and implement a health care plan for indigent health care services. The governing board, agency, or authority shall consist of no more than seven and no fewer than five members appointed by the county commission. The members of the governing board, agency, or authority shall be at least 18 years of age and residents of the county. No member may be employed by or affiliated with a health care provider or the public health trust, agency, or authority responsible for the county public general hospital. The following community organizations shall each appoint a representative to a nominating committee: the South Florida Hospital and Healthcare Association, the Miami Dade County Public Health Trust, the Dade County Medical Association, the Miami Dade County Homeless Trust, and the Mayor of Miami Dade County. This committee shall nominate between 10 and 14 county citizens for the governing board, agency, or authority. The slate shall be presented to the county commission and the county commission shall confirm the top five to seven nominees, depending on the size of the governing board. Until such time as the governing board, agency, or authority is created, the funds provided for in subparagraph (d)2. shall be placed in a restricted account set aside from other county funds and not disbursed by the county for any other purpose.~~

1. The plan shall divide the county into a minimum of four and maximum of six service areas, with no more than one participant hospital per service area. The county public general hospital shall be designated as the provider for one of the service areas. Services shall be provided through participants' primary acute care facilities.

2. The plan and subsequent amendments to it shall fund a defined range of health care services for both indigent persons and the medically poor, including primary care, preventive care, hospital emergency room care, and hospital care necessary to stabilize the patient. For the purposes of this section, "stabilization" means stabilization as defined in s. 397.311(30). ~~Where consistent with these objectives, the plan may include services rendered by physicians, clinics, community hospitals, and alternative delivery sites, as well as at least one regional referral hospital per service area. The plan shall provide that agreements negotiated between the governing board, agency, or authority and providers shall recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care to draw down federal funds where appropriate, and require cost containment, including, but not limited to, case management. From the funds specified in subparagraphs (d)1. and 2. for indigent health care services, service providers shall receive reimbursement at a Medicaid rate. to be determined by the governing board, agency, or authority created pursuant to this paragraph for the initial emergency room visit, and a per member per month fee or capitation for those members enrolled in their~~

~~service area, as compensation for the services rendered following the initial emergency visit. Except for provisions of emergency services, upon determination of eligibility, enrollment shall be deemed to have occurred at the time services were rendered. The provisions for specific reimbursement of emergency services shall be repealed on July 1, 2001, unless otherwise reenacted by the Legislature. The capitation amount or rate shall be determined prior to program implementation by an independent actuarial consultant. In no event shall the such reimbursement rates exceed the Medicaid rate. The plan must also provide that any hospitals owned and operated by government entities on or after the effective date of this act must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to any meeting of the governing board, agency, or authority the subject of which is budgeting resources for the retention of charity care, as that term is defined in the rules of the Agency for Health Care Administration. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service and delivery funding.~~

3. The plan's benefits shall be made available to all county residents currently eligible to receive health care services as indigents or medically poor as defined in paragraph (4)(d).

~~4. Eligible residents who participate in the health care plan shall receive coverage for a period of 12 months or the period extending from the time of enrollment to the end of the current fiscal year, per enrollment period, whichever is less.~~

~~4.5. At the end of each fiscal year, the Health Policy governing board, agency, or Authority shall prepare an audit that reviews the budget of the plan, delivery of services, and quality of services, and makes recommendations to increase the plan's efficiency. The audit shall take into account participant hospital satisfaction with the plan and assess the amount of poststabilization patient transfers requested, and accepted or denied, by the county public general hospital.~~

Section 27. Section 11 of chapter 2000-312, Laws of Florida, is amended to read:

Section 11. The provisions of this act shall be reviewed by the Legislature prior to October 1, 2006 2005, and shall be repealed on that date unless otherwise reenacted by the Legislature.

And the title is amended as follows:

On page 3, line 5, after the second semicolon (;) insert: amending s. 212.055, F.S.; revising provisions relating to the county public hospital surtax; revising procedures and requirements for adoption and implementation of the health care plan for indigent health care services; amending s. 11 of ch. 2000-312, Laws of Florida; postponing future review and repeal of said provisions;

On motion by Senator Saunders, further consideration of **CS for CS for SB 1312** with pending **Amendment 1** was deferred.

Consideration of **SB 1314** was deferred.

On motion by Senator Bronson—

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

—was read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (090946)(with title amendment)—On page 19, between lines 7 and 8, insert:

Section 8. Paragraph (b) of subsection (4) of section 372.57, Florida Statutes, is amended to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany each application for a lifetime license for a resident 12 years of age or younger. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D child support enforcement program and use by the commission, and as otherwise provided by law.

(4) In addition to any license required by this chapter, the following permits and fees for certain hunting, fishing, and recreational uses, and the activities authorized thereby, are:

(b)1. Management area permits to hunt, fish, or otherwise use for outdoor recreational purposes, land owned, leased, or managed by the commission or the State of Florida for the use and benefit of the commission, up to \$25 annually. Permits, and fees thereof, for short-term use of land which is owned, leased, or managed by the commission may be established by rule of the commission for any activity on such lands. Such permits and fees may be in lieu of or in addition to the annual management area permit. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission shall have obtained the written consent of the owner or primary custodian of such lands.

2. A recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlockonee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway. The fee for this permit shall be based upon economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. ~~On property currently in the private landowner payment program, the prior year's landowner payment shall be used to augment the recreational user permit fee so as to decrease the permit fee for the users of that property.~~ One minor dependent child, 16 years old or under, per permittee may hunt under the supervision of the permittee and is exempt from the permit fee. The spouse and dependent children of a permittee are exempt from the permit fee when engaged in outdoor recreational activities other than hunting in the company of the permittee. Notwithstanding any other provision of this chapter, there are no other exclusions, exceptions, or exemptions from this permit fee. The recreational user permit fee, less an administrative permit fee of up to \$25 per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 372.57, F.S.; deleting requirements for the use of certain fees to subsidize the private landowner payment program;

Pursuant to Rule 4.19, **CS for CS for SB 1204** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1458** was deferred.

On motion by Senator Geller—

CS for SB 1528—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural field crops; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (272510)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 604.60, Florida Statutes, is created to read:

604.60 Damage or destruction of agricultural crops; civil action.—

(1) Any private, public, or commercial agricultural grower or producer who grows or produces any agricultural product, as defined in s. 468.382(7), for personal, research, or commercial purposes or for testing or research purposes in a product development program conducted in conjunction or coordination with a private research facility, a university, or any federal, state, or local government agency who suffers damages as a result of another person's willful and knowing damage or destruction of any such agricultural product has a cause of action for damages equal to double the amount of the value of the product damaged or destroyed, including the cost of any experimental product replication, and for any other relief a court of competent jurisdiction deems appropriate, including, but not limited to, compensatory and punitive damages. In awarding damages under this section, the courts shall consider the market value of the product prior to damage or destruction, and production, research, testing, replacement, and product development costs directly related to the product that has been damaged or destroyed as part of the value of the product. The prevailing party in any action brought pursuant to this section is entitled to an award of reasonable attorney's fees and court costs.

Section 2. Section 810.09, Florida Statutes, is amended to read:

810.09 Trespass on property other than structure or conveyance.—

(1)(a) A person who, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance:

1. As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in s. 810.011; or

2. If the property is the unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass,

commits the offense of trespass on property other than a structure or conveyance.

(b) As used in this section, the term "unenclosed curtilage" means the unenclosed land or grounds, and any outbuildings, that are directly

and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling.

(2)(a) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offender defies an order to leave, personally communicated to the offender by the owner of the premises or by an authorized person, or if the offender willfully opens any door, fence, or gate or does any act that exposes animals, crops, or other property to waste, destruction, or freedom; unlawfully dumps litter on property; or trespasses on property other than a structure or conveyance, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) If the offender is armed with a firearm or other dangerous weapon during the commission of the offense of trespass on property other than a structure or conveyance, he or she is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any owner or person authorized by the owner may, for prosecution purposes, take into custody and detain, in a reasonable manner, for a reasonable length of time, any person when he or she reasonably believes that a violation of this paragraph has been or is being committed, and that the person to be taken into custody and detained has committed or is committing such violation. In the event a person is taken into custody, a law enforcement officer shall be called as soon as is practicable after the person has been taken into custody. The taking into custody and detention in compliance with the requirements of this paragraph does not result in criminal or civil liability for false arrest, false imprisonment, or unlawful detention.

(d) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed is a construction site that is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

(e) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is commercial horticulture property and the property is legally posted and identified in substantially the following manner: "THIS AREA IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

(f) *The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an agricultural site for testing or research purposes that is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."*

(g)(4) Any person who in taking or attempting to take any animal described in s. 372.001(3) or (4), or in killing, attempting to kill, or endangering any animal described in s. 585.01(13) knowingly propels or causes to be propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term "potentially lethal projectile" includes any projectile launched from any firearm, bow, crossbow, or similar tensile device. This section shall not apply to any governmental agent or employee acting within the scope of his or her official duties.

(3) As used in this section, the term "authorized person" or "person authorized" means any owner, or his or her agent, or any law enforcement officer whose department has received written authorization from the owner, or his or her agent, to communicate an order to leave the property in the case of a threat to public safety or welfare.

Section 3. For the purpose of incorporating the amendment to section 810.09, Florida Statutes, in references thereto, paragraph (b) of subsection (5) of section 260.0125, Florida Statutes, is reenacted to read:

260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails.—

(5)

(b) Such notices must comply with s. 810.011(5) and shall constitute a warning to unauthorized persons to remain off the private property and not to depart from the designated greenway or trail. Any person who commits such an unauthorized entry commits a trespass as provided in s. 810.09.

Section 4. For the purpose of incorporating the amendment to section 810.09, Florida Statutes, in references thereto, paragraph (b) of subsection (5) of section 810.011, Florida Statutes, is reenacted to read:

810.011 Definitions.—As used in this chapter:

(5)

(b) It shall not be necessary to give notice by posting on any enclosed land or place not exceeding 5 acres in area on which there is a dwelling house in order to obtain the benefits of ss. 810.09 and 810.12 pertaining to trespass on enclosed lands.

Section 5. This act shall take effect October 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 damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1528** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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.

—was read the second time by title.

On motion by Senator Sebesta, further consideration of **CS for SB 1542** was deferred.

Consideration of **CS for SB 1560** was deferred.

On motion by Senator Sanderson—

CS for SB 1466—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public-records requirements for motor vehicle crash reports that reveal specified information; providing that such reports may be made available to certain parties; providing for future review and repeal; providing penalties for the unlawful disclosure of confidential information and for unlawfully obtaining or attempting to obtain confidential information; providing findings of public necessity; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendments which were adopted:

Amendment 1 (090126)—On page 2, line 28, delete “October 1” and insert: *October 2*

Amendment 2 (862538)—On page 3, lines 10-14, delete those lines and insert:

(e) Any person who knows that he or she is not entitled to obtain information made confidential by this section and who obtains or attempts to obtain such information commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Pursuant to Rule 4.19, **CS for SB 1466** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR SILVER PRESIDING

On motion by Senator Laurent—

CS for CS for SB 1664—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1664** to **HB 1635**.

Pending further consideration of **CS for CS for SB 1664** as amended, on motion by Senator Laurent, by two-thirds vote **HB 1635** was withdrawn from the Committees on Natural Resources; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Laurent—

HB 1635—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1664** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1635** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1720** was deferred.

SB 1738—A bill to be entitled An act relating to expedited permitting; amending s. 288.109, F.S.; specifying that the State Technology Office is responsible for establishing and implementing an Internet site for the One-Stop Permitting System; providing that the 60-day period for application approval or denial under the system does not apply to certain applications; removing provisions that provide for a waiver of development permit fees for a specified period when an agency begins accepting applications through the system; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Peaden moved the following amendment:

Amendment 1 (345644)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 120.551, Florida Statutes, is created to read:

120.551 Internet publication pilot project.—

(1) On or before December 31, 2001, the Department of Environmental Protection and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the Florida Administrative Weekly. The pilot project shall end on July 1, 2003. Under this pilot project, notwithstanding any other provision of law, whenever the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the Department of Environmental Protection instead may publish a summary of such notice in the Florida Administrative Weekly along with the specific URL or Internet address where the complete notice required by law shall be published. The Department of Environmental Protection shall publish all other notices in the manner prescribed by law. Notices published on the Internet under this section shall clearly state the date the notice was first posted on the Internet and shall be initially posted only on the same days the Florida Administrative Weekly is published. Notices related to rulemaking published on the Internet under this provision shall be maintained on the Internet for a period of at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet under this provision shall be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records shall also be established by the pilot project. No notice posted on the Internet shall be removed until the searchable database is implemented.

(2) The Department of State shall publish notice of this pilot project in each weekly publication of the Florida Administrative Weekly. The notice shall state: “Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost-effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the Department of Environmental Protection are being published in the Florida Administrative Weekly along with a reference to the specific Internet URL or address where the complete notice required by law shall be published.”

(3) No later than January 31, 2003, the Department of Environmental Protection, the State Technology Office, and the Department of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing findings on the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly, and recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet.

Section 2. Subsections (20), (21) and (22) of section 287.012, Florida Statutes, are created to read:

287.012 Definitions.—The following definitions shall apply in this part:

(20) “Invitation to negotiate” means a written solicitation that calls for responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.

(21) “Request for a quote” means a solicitation that calls for pricing information for purposes of competitively selecting and procuring commodities and contractual services from qualified or registered vendors.

(22) “Information Technology” means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze,

evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

Section 3. Paragraph (d) of subsection (2) is created; paragraphs (b) and (c) of subsection (4), paragraphs (a) and (b) of subsection (5), paragraph (a) of subsection (16) and subsection (17) of section 287.042, Florida Statutes, are amended, and a new paragraph (f) of subsection (4) is created to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(2)

(d) The terms, conditions, and specifications of a request for proposal, invitation to bid, or invitation to negotiate, including any provisions governing the methods for ranking proposals, awarding contracts, reserving rights of further negotiation, or the modification of amendment of any contract, are subject to challenge only by filing a protest within 72 hours after the notice of the terms, conditions, or specifications as provided in s. 120.57(3)(b).

(4)

(b) Development of procedures for the releasing of requests for proposals, *requests for quotes*, invitations to bid, *invitations to negotiate*, and other competitive acquisitions which procedures shall include, but are not limited to, notice by publication in the Florida Administrative Weekly, on Government Services Direct, or by mail at least 10 days before the date set for submittal of proposals or bids. The Office of Supplier Diversity may consult with agencies regarding the development of bid distribution procedures to ensure that maximum distribution is afforded to certified minority business enterprises as defined in s. 288.703.

(c) Development of procedures for the receipt and opening of bids, *responses, quotes*, or proposals by an agency. Such procedures shall provide the Office of Supplier Diversity an opportunity to monitor and ensure that the contract award is consistent with the *requirements of s. 287.09451 original request for proposal or invitation to bid, in accordance with s. 287.0945(6), and subject to the review of bid responses within standard timelines.*

(f) Development of procedures to be used by an agency for issuing invitations to bid, invitations to negotiate, requests for proposal, requests for quote, or other competitive procurement processes.

(5)(a) To prescribe the methods of securing competitive sealed bids, *responses, quotes*, and proposals. *Such methods may include, but are not limited to, procedures for identifying vendors; setting qualifications; evaluating responses, bids, and proposals; ranking respondents and proposers; selecting invitees and proposers; and conducting negotiations, or negotiating and awarding commodity and contractual services contracts, unless otherwise provided by law.*

(b) To prescribe, *in consultation with the State Technology Office by September 1, 1995*, procedures for procuring *information technology and information technology consultant services* which provide for public announcement and qualification, competitive selection, competitive negotiation, contract award, and prohibition against contingent fees. Such procedures shall be limited to information technology consultant contracts for which the total project costs, or planning or study activities, are estimated to exceed the threshold amount provided for in s. 287.017, for CATEGORY TWO.

(16)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities *or*; information technology ~~resources, or services~~ that can be used by multiple agencies. However, the department shall consult with the State Technology Office on joint agreements that involve the purchase of information technology ~~resources~~. Agencies entering into joint purchasing agreements with the department *or the State Technology Office* shall authorize the department *or the State Technology Office* to contract for such purchases on their behalf.

(17)(a) To evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services, and, when it is determined to be cost-effective and

in the best interest of the state, to enter into a written agreement authorizing a state agency to make purchases under a contract approved by the department and let by the Federal Government, another state, or a political subdivision.

(b) For contracts pertaining to the provision of information technology, the State Technology Office, in consultation with the department, shall assess the technological needs of a particular agency, evaluate the contracts, and determine whether to enter into a written agreement with the letting federal, state, or political subdivision body to provide information technology for a particular agency.

Section 4. A new subsection (3) is created and subsequent subsections are renumbered, present subsections (3) and (22) are amended and subsection (23) of section 287.057, Florida Statutes, is created:

287.057 Procurement of commodities or contractual services.—

(3) If an agency determines that the use of an invitation to bid or a request for a proposal is not practical, commodities or contractual services may be procured by an invitation to negotiate or provided by a request for a quote.

~~(4)(3)~~ When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids, ~~or competitive sealed proposals, or responses to an invitation to negotiate or a request for a quote unless:~~

(a) The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head makes such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. The agency shall furnish copies of the written determination certified under oath and any other documents relating to the emergency action to the department. A copy of the statement shall be furnished to the Comptroller with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the department of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported to the department.

(b) Purchasing agreements and contracts executed by the department or by agencies under authority delegated by the department in writing are excepted from bid requirements.

(c) Commodities or contractual services available only from a single source may be excepted from the bid requirements if it is determined that such commodities or services are available only from a single source and such determination is documented. However, if such contract is for an amount greater than the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall file a certification of conditions and circumstances with the department and shall obtain the prior approval of the department. The failure of the department to approve or disapprove the request of an agency for prior approval within 21 days after receiving such request or within 14 days after receiving from the agency additional materials requested by the department shall constitute prior approval of the department. To the greatest extent practicable, but no later than 45 days after authorizing the exception in writing, the department shall combine single-source procurement authorizations for identical information technology resources for which the purchase price exceeds the threshold amount provided in s. 287.017 for CATEGORY FOUR, and shall negotiate and execute volume purchasing agreements for such procurements on behalf of the agencies.

(d) When it is in the best interest of the state, the Secretary of Management Services or his or her designee may authorize the Support Program to purchase insurance by negotiation, but such purchase shall be made only under conditions most favorable to the public interest.

(e) Prescriptive assistive devices for the purpose of medical, developmental, or vocational rehabilitation of clients are excepted from competitive sealed bid and competitive sealed proposal requirements and shall be procured pursuant to an established fee schedule or by any other method which ensures the best price for the state, taking into consideration the needs of the client. Prescriptive assistive devices include, but are not limited to, prosthetics, orthotics, and wheelchairs. For purchases made pursuant to this paragraph, state agencies shall annually file with the department a description of the purchases and methods of procurement.

(f) The following contractual services and commodities are not subject to the competitive sealed bid requirements of this section:

1. Artistic services.
2. Academic program reviews.
3. Lectures by individuals.
4. Auditing services.
5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.
7. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.
8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Agency for Health Care Administration. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the agency.
9. Family placement services.
10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.
11. Training and education services provided to injured employees pursuant to s. 440.49(1).
12. Contracts entered into pursuant to s. 337.11.
13. Services or commodities provided by governmental agencies.

(g) Continuing education events or programs that are offered to the general public and for which fees have been collected that pay all expenses associated with the event or program are exempt from competitive sealed bidding.

(22)(a) ~~The State Technology Office of the department~~ shall develop a program for on-line procurement of commodities and contractual services. *To enable the state to promote open competition and to leverage its buying power, executive state agencies shall participate in the on-line procurement program, and other agencies may participate in the program.* Only bidders prequalified as meeting mandatory requirements and qualifications criteria shall be permitted to participate in on-line procurement. The State Technology Office may contract for equipment and services necessary to develop and implement on-line procurement.

(b) The State Technology Office, *in consultation with the department, shall* may adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the program for on-line procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for pre-qualifying bidders.
2. Establishing the procedures for conducting on-line procurement.
3. Establishing the criteria for eligible commodities and contractual services.
4. Establishing the procedures for providing access to on-line procurement.
5. *Determining the criteria warranting any exceptions to participation in the on-line procurement program.*

(c) The Department of Management Services and the State Technology Office may collect fees for the use of the on-line procurement systems. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of the Department of Management Services and the State Technology Office. For the purposes of compensating the provider, the department may authorize the provider to collect and retain a portion of the fees. The providers may withhold the portion retained from the amount of fees to be remitted to the department. The department may negotiate the retainage as a percentage of such fees charged to users, as a flat amount, or as any other method the department deems feasible. All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donation Trust Fund as provided by law.

(23)(a) The State Technology Office shall establish, in consultation with the department, state strategic information technology alliances for the acquisition and use of information technology and related material with prequalified contractors or partners to provide the state with efficient, cost-effective, and advanced information technology.

(b) In consultation with and under contract to the State Technology Office, the state strategic information technology alliances shall design, develop, and deploy projects providing the information technology needed to collect, store, and process the state's data and information, provide connectivity, and integrate and standardize computer networks and information systems of the state.

(c) The partners in the state strategic information technology alliances shall be industry leaders with demonstrated experience in the public and private sectors.

(d) The State Technology Office, in consultation with the Department of Management Services, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the state strategic information technology alliances.

Section 5. Section 287.0731, Florida Statutes, is amended to read:

287.0731 Team for contract negotiations.—Contingent upon funding in the General Appropriations Act, the Department of Management Services, *in consultation with the State Technology Office,* shall establish a permanent team for contract negotiations including a chief negotiator, to specialize in the procurement of information technology resources.

Section 6. Subsections (1), (2), (6), and (8) of section 288.109, Florida Statutes, are amended, subsection (10) is deleted and subsequent subsections are renumbered to read:

288.109 One-Stop Permitting System.—

(1) By January 1, ~~2001~~ ~~2000~~, the ~~State Technology Office~~ ~~Department of Management Services~~ must establish and implement an Internet site for the One-Stop Permitting System. The One-Stop Permitting System Internet site shall provide individuals and businesses with information concerning development permits; guidance on what development permits are needed for particular projects; permit requirements; and who may be contacted for more information concerning a particular development permit for a specific location. The ~~office~~ ~~department~~ shall design and construct the Internet site and may competitively procure and contract for services to develop the site. In designing and constructing the Internet site, the ~~office~~ ~~department~~ must solicit input from potential users of the site.

(2) The ~~office department~~ shall develop the One-Stop Permitting System Internet site to allow an applicant to complete and submit application forms for development permits to agencies and counties. The Internet site must be capable of allowing an applicant to submit payment for permit fees and must provide payment options. After initially establishing the Internet site, the ~~office department~~ shall implement, in the most timely manner possible, the capabilities described in this subsection. The ~~office department~~ shall also develop a protocol for adding to the One-Stop Permitting System additional state agencies and counties that agree to participate. The ~~office department~~ may competitively procure and contract for services to develop such capabilities.

(6) The ~~office department~~ may add counties and municipalities to the One-Stop Permitting System as such local governments agree to participate and develop the technical capability of joining the system.

(8) Section 120.60(1) shall apply to any development permit or license filed under the One-Stop Permitting System, except the 90-day time period for approving or denying a completed application shall be 60 days. In the case of permits issued by the water management districts, each completed application that does not require governing board approval must be approved or denied within 60 days after receipt. However, completed permit applications which must be considered by a water management district governing board shall be approved or denied at the next regularly scheduled meeting after the 60-day period has expired. *The 60-day period for approving or denying a complete application does not apply in the case of a development permit application evaluated under a federally delegated or approved permitting program. However, the reviewing agency shall make a good-faith effort to act on such permit applications within 60 days.*

(10) ~~Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425; and the High-Speed Rail Transportation Siting Act, ss. 341.3201-341.386.~~

Section 7. Section 288.1092, Florida Statutes, is amended to read:

288.1092 One-Stop Permitting System Grant Program.—There is created within the ~~State Technology Office Department of Management Services~~ the One-Stop Permitting System Grant Program. The purpose of the grant program is to encourage counties to coordinate and integrate the development of the county's permitting process with the One-Stop Permitting System. The ~~office department~~ shall review grant applications and, subject to available funds, if a county is certified as a Quick Permitting County under s. 288.1093, shall award a grant of up to \$50,000 to provide for such integration. The ~~office department~~ must review a grant application for consistency with the purpose of the One-Stop Permitting System to provide access to development permit information and application forms. Grants shall be issued on a first-come, first-served basis to qualified Quick Permitting Counties. The grant moneys may be used to purchase software, hardware, or consulting services necessary for the county to create an interface with the One-Stop Permitting System. Grant moneys may not be used to pay administrative costs. The grant application must specify what items or services the county intends to purchase using the grant moneys, the amount of each of the items or services to be purchased, and how the items or services are necessary for the county to create an interface with the One-Stop Permitting System.

Section 8. Section 288.1093, Florida Statutes, is amended to read:

288.1093 Quick Permitting County Designation Program.—

(1) There is established within the ~~State Technology Office Department of Management Services~~ the Quick Permitting County Designation Program. To be designated as a Quick Permitting County, the chair of the board of county commissioners of the applying county must certify to the ~~office Department of Management Services~~ that the county meets the criteria specified in subsection (3).

(2) As used in this section, the term "development permitting" includes permits and approvals necessary for the physical location of a business, including, but not limited to:

- (a) Wetland or environmental resource permits.
- (b) Surface water management permits.
- (c) Stormwater permits.
- (d) Site plan approvals.
- (e) Zoning and comprehensive plan amendments.
- (f) Building permits.
- (g) Transportation concurrency approvals.
- (h) Wastewater permits.

(3) In order to qualify for a Quick Permitting County designation, a county must certify to the ~~office department~~ that the county has implemented the following best-management practices:

- (a) The establishment of a single point of contact for a business seeking assistance in obtaining a permit;
- (b) The selection of high-priority projects for accelerated permit review;
- (c) The use of documented preapplication meetings following standard procedures;
- (d) The maintenance of an inventory of sites suitable for high-priority projects;
- (e) The development of a list of consultants who conduct business in the county;
- (f) The evaluation and elimination of duplicative approval and permitting requirements within the county;
- (g) The commitment to participate, through the entry of an interlocal agreement for individual projects, in the expedited permit process set forth in s. 403.973;
- (h) The development of a timetable for processing development permits and approvals; and
- (i) The use of interagency coordination to facilitate permit processing.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for

renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) *Any submission required to be in writing may be made by electronic means.*

Section 10. Paragraph (e) of subsection (1) of section 61.1826, Florida Statutes, is amended to read:

61.1826 Procurement of services for State Disbursement Unit and the non-Title IV-D component of the State Case Registry; contracts and cooperative agreements; penalties; withholding payment.—

(1) **LEGISLATIVE FINDINGS.**—The Legislature finds that the clerks of court play a vital role, as essential participants in the establishment, modification, collection, and enforcement of child support, in securing the health, safety, and welfare of the children of this state. The Legislature further finds and declares that:

(e) The potential loss of substantial federal funds poses a direct and immediate threat to the health, safety, and welfare of the children and citizens of the state and constitutes an emergency for purposes of s. 287.057(4)(3)(a).

For these reasons, the Legislature hereby directs the Department of Revenue, subject to the provisions of subsection (6), to contract with the Florida Association of Court Clerks and each depository to perform duties with respect to the operation and maintenance of a State Disbursement Unit and the non-Title IV-D component of the State Case Registry as further provided by this section.

Section 11. Subsection (1) of section 287.022, Florida Statutes, is amended to read:

287.022 Purchase of insurance.—

(1) Insurance, while not a commodity, nevertheless shall be purchased for all agencies by the department, except that agencies may purchase title insurance for land acquisition and may make emergency purchases of insurance pursuant to s. 287.057(4)(3)(a). The procedures for purchasing insurance, whether the purchase is made by the department or by the agencies, shall be the same as those set forth herein for the purchase of commodities.

Section 12. Subsection (5) of section 287.058, Florida Statutes, is amended to read:

287.058 Contract document.—

(5) Unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, the Comptroller may waive the requirements of this section for services which are included in s. 287.057(4)(3)(f).

Section 13. Subsection (3) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(3) **POWER TO CONTRACT.**—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; receiving and treatment facilities; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology. Notwithstanding the provisions of s. 287.057(4)(3)(f), contracts for community-based Baker Act services for inpatient, crisis stabilization, short-term residential treatment, and screening provided under this part, other than those with other units of government, to be provided for

the department must be awarded using competitive sealed bids when the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district shall not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids will be effective for 3 years. Services contracted for by the department may be reimbursed by the state at a rate up to 100 percent. The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

Section 14. Paragraph (a) of subsection (1) of section 394.47865, Florida Statutes, is amended to read:

394.47865 South Florida State Hospital; privatization.—

(1) The Department of Children and Family Services shall, through a request for proposals, privatize South Florida State Hospital. The department shall plan to begin implementation of this privatization initiative by July 1, 1998.

(a) Notwithstanding s. 287.057(13)(12), the department may enter into agreements, not to exceed 20 years, with a private provider, a coalition of providers, or another agency to finance, design, and construct a treatment facility having up to 350 beds and to operate all aspects of daily operations within the facility. The department may subcontract any or all components of this procurement to a statutorily established state governmental entity that has successfully contracted with private companies for designing, financing, acquiring, leasing, constructing, and operating major privatized state facilities.

Section 15. Subsections (1) and (5) of section 402.73, Florida Statutes, are amended to read:

402.73 Contracting and performance standards.—

(1) The Department of Children and Family Services shall establish performance standards for all contracted client services. Notwithstanding s. 287.057(4)(3)(f), the department must competitively procure any contract for client services when any of the following occurs:

(a) The provider fails to meet appropriate performance standards established by the department after the provider has been given a reasonable opportunity to achieve the established standards.

(b) A new program or service has been authorized and funded by the Legislature and the annual value of the contract for such program or service is \$300,000 or more.

(c) The department has concluded, after reviewing market prices and available treatment options, that there is evidence that the department can improve the performance outcomes produced by its contract resources. At a minimum, the department shall review market prices and available treatment options biennially. The department shall compile the results of the biennial review and include the results in its annual performance report to the Legislature pursuant to chapter 94-249, Laws of Florida. The department shall provide notice and an opportunity for public comment on its review of market prices and available treatment options.

Section 16. Paragraph (c) of subsection (5) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(5) **USE OF CONTRACTS.**—Regional workforce boards shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(c) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(4)(3)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the regional workforce board.

Section 17. Paragraph (d) of subsection (2) of section 455.2177, Florida Statutes, is amended to read:

455.2177 Monitoring of compliance with continuing education requirements.—

(2) If the compliance monitoring system required under this section is privatized, the following provisions apply:

(d) Upon the failure of a vendor to meet its obligations under a contract as provided in paragraph (a), the department may suspend the contract and enter into an emergency contract under s. 287.057(4)(3).

Section 18. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to information technology; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 287.012, F.S.; defining "invitation to negotiate" and "request for a quote"; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross references; providing an effective date.

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

Amendment 1A (365712)—On page 4, line 12, delete "*request for Quote*" and insert: *, request for quote*

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

Amendment 1B (344658)—On page 7, lines 4-7, delete those lines and insert: *invitation to bid or a request for a proposal will not result in the best value to the state, based on factors, including, but not limited to, price, quality, design, and workmanship, the agency may procure commodities and contractual services by an invitation to bid. An agency may procure commodities and contractual services by a request for a quote from vendors under contract with the department.*

On motion by Senator Bronson, further consideration of **SB 1738** with pending **Amendment 1** as amended was deferred.

CS for SB 1750—A bill to be entitled An act relating to economic development; creating the "Florida Emerging and Strategic Technologies Act"; creating s. 112.3133, F.S.; providing legislative findings and intent relating to the transfer of technology and conflicts of interest for public university employees; directing the State Board of Education to develop guidelines for public universities requiring disclosure of employees' significant financial interests; prescribing minimum requirements for such guidelines; defining the term "significant financial interests"; requiring public universities to enforce and oversee implementation of such guidelines; requiring a report; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 212.08, F.S.; revising the sales and use tax exemption for certain machinery and equipment to include machinery and equipment used by health technology facilities to produce health technology products, as defined, and machinery and equipment used in research and development or manufacturing in a health technology facility; expanding a sales tax exemption for clean-room building materials to include health-technology facilities; amending s. 220.02, F.S.; expressing legislative intent on the order in which a corporate income tax credit for certain education costs should be applied; amending s. 220.13, F.S.; redefining the term "adjusted federal income" to conform to the creation of a corporate income tax credit for certain information technology education costs; creating s. 220.192, F.S.; authorizing a credit against corporate income tax for certain information technology education costs paid by an employer on behalf of an employee; providing eligibility and application requirements; providing for administration and expiration of the tax credit program; providing a definition; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.095, F.S.; raising 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; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; amending s. 288.911, F.S.; requiring Enterprise Florida, Inc., to develop and implement a marketing campaign to promote high-technology industries; providing the purpose of such campaign; requiring coordination with specified entities in the development of such campaign; prescribing components of such campaign; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities.

ties; defining the term "digital media"; providing appropriations; providing an effective date.

—was read the second time by title.

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

Amendment 1 (072184)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Florida Emerging and Strategic Technologies Act."*

Section 2. Section 121.155, Florida Statutes, is created to read:

121.155 Investments in support of economic development strategies; legislative findings and intent.—

(1) *The Legislature finds that:*

(a) *The recruitment, retention, and expansion of high-technology businesses are a principal economic development strategy of the state.*

(b) *High-technology businesses have the potential to contribute significantly to the prosperity of the state and its residents through the creation of employment opportunities and through the generation of revenues into the economy.*

(c) *A significant barrier to the growth of high-technology businesses in the state is caused by a lack of access to sources of capital to support the activities of such businesses.*

(d) *The Board of Administration, through the investment of funds of the System Trust Fund, has the ability to influence the availability of capital in the marketplace for businesses located in the state.*

(e) *The investment of funds of the System Trust Fund in a manner consistent with the economic development goals of the state enhances the prospects for fulfillment of such goals.*

(2) *It is the intent of the Legislature that the Board of Administration, consistent with sound investment policy and with the investment provisions set forth in ss. 215.44-215.53, maximize opportunities to invest and reinvest available funds of the System Trust Fund in a manner that is consistent with, and that supports fulfillment of, the economic development strategies of the state, including investing and reinvesting funds in support of the capital needs of emerging and strategic high-technology businesses located in the state. It is further the intent of the Legislature that the Board of Administration, in supporting fulfillment of the economic development strategies of the state, establish partnerships, where feasible, with venture capital firms designed to facilitate investment of venture capital in high-technology businesses located in this state.*

(3) *Staff of the Board of Administration shall regularly solicit information from Enterprise Florida, Inc., on those high-technology business sectors that research indicates have significant potential to contribute to the economic development of the state and shall provide such information to the Investment Advisory Council created under s. 215.444.*

(4) *As part of the annual report required under s. 215.44, the Board of Administration shall describe those investment activities during the year in furtherance of the findings and intent of this section.*

Section 3. Section 159.26, Florida Statutes, is amended to read:

159.26 Legislative findings and purposes.—The Legislature finds and declares that:

(1) The agriculture, tourism, urban development, historic preservation, *information technology*, education, and health care industries, among others, are vital to the economy of the state and to the welfare of the people and need to be enhanced and expanded to improve the competitive position of the state;

(2) There is a need to enhance other economic activity in the state by attracting manufacturing development, business enterprise management, and other activities conducive to economic promotion in order to provide a stronger, more balanced, and stable economy in the state,

while providing through pollution control and otherwise for the health and safety of the people;

(3) In order to improve the prosperity and welfare of the state and its inhabitants; to improve education, living conditions, and health care; to promote the preservation of historic structures; to promote the rehabilitation of enterprise zones; to promote improved transportation; to promote effective and efficient pollution control throughout the state; to promote the advancement of education and science and research in and the economic development of the state; *to promote the advancement of information technology*; and to increase purchasing power and opportunities for gainful employment, it is necessary and in the public interest to facilitate the financing of the projects provided for in this part and to facilitate and encourage the planning and development of these projects without regard to the boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable; and

(4) The purposes to be achieved by such projects and the financing of them in compliance with the criteria and requirements of this part are predominantly the public purposes stated in this section, and such purposes implement the governmental purposes under the State Constitution of providing for the health, safety, and welfare of the people, including implementing the purpose of s. 10(c), Art. VII of the State Constitution.

Section 4. Subsection (5) of section 159.27, Florida Statutes, is amended, and subsection (25) is added to that section to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(5) "Project" means any capital project comprising an industrial or manufacturing plant, a research and development park, *an information technology facility*, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, including one or more buildings and other structures, whether or not on the same site or sites; any rehabilitation, improvement, renovation, or enlargement of, or any addition to, any buildings or structures for use as a factory, a mill, a processing plant, an assembly plant, a fabricating plant, an industrial distribution center, a repair, overhaul, or service facility, a test facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, and other facilities, including research and development facilities *and information technology facilities*, for manufacturing, processing, assembling, repairing, overhauling, servicing, testing, or handling of any products or commodities embraced in any industrial or manufacturing plant, in connection with the purposes of a research and development park, or other facilities for or used in connection with an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, or a commercial project in an enterprise zone or for controlling air or water pollution or for the disposal, processing, conversion, or reclamation of hazardous or solid waste, a social service center, or a mass commuting facility; and including also the sites thereof and other rights in land therefor whether improved or unimproved, machinery, equipment, site preparation and landscaping, and all appurtenances and facilities incidental thereto, such as warehouses, utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, office or storage or training facilities, public lodging and

restaurant facilities, dockage, wharfage, solar energy facilities, and other improvements necessary or convenient for any manufacturing or industrial plant, research and development park, *information technology facility*, agricultural processing or storage facility, warehousing or distribution facility, tourism facility, convention or trade show facility, urban parking facility, trade center, health care facility, educational facility, a correctional or detention facility, motion picture production facility, preservation or rehabilitation of a certified historic structure, airport or port facility, commercial project in an enterprise zone, pollution-control facility, hazardous or solid waste facility, social service center, or a mass commuting facility and any one or more combinations of the foregoing.

(25) "Information technology facility" means a building or structure, including infrastructure such as roads, power, water, network access points, and fiber optic cable leading to the structure, which is used to house businesses classified within the following codes of the North American Industry Classification System (NAICS): 334111 (electronic computer manufacturing), 334112 (computer storage device manufacturing), 334113 (computer terminal manufacturing), 334119 (other computer peripheral equipment manufacturing), 334613 (magnetic and optical recording media manufacturing), 334418 (printed circuit assembly manufacturing), 334411 (electron tube manufacturing), 334412 (bare printed circuit board manufacturing), 334413 (semiconductor and related device manufacturing), 334417 (electronic connector manufacturing), 334611 (software reproducing), 541512 (computer systems design services), 51421 (data processing services), 514191 (on-line information services), 811212 (computer and office machine repair and maintenance), 44312 (computer and software stores-retail), 541519 (other computer related services), 42143 (computer and computer peripheral equipment and software wholesalers), 51121 (software publishers), 541511 (custom computer programming services), and 61142 (computer training). The term also includes joint-use advanced digital media research and production facilities created pursuant to authority from the Legislature for the Office of Tourism, Trade, and Economic Development to administer a program facilitating the establishment and maintenance of such digital media facilities.

Section 5. Section 240.1055, Florida Statutes, is created to read:

240.1055 *Economic development mission.*—

(1) The Legislature finds that the state system of postsecondary education contributes to the economic well-being of the state and its people through the education and training of individuals for employment, through research and development of technologies that have commercial applications, and through the provision of assistance to businesses based in this state. The Legislature further finds that the quality and activities of the state system of postsecondary education directly affect the success of state, regional, and local efforts to develop, recruit, retain, and expand businesses, particularly high-technology businesses, that create jobs and generate revenue. Therefore, as a fundamental component of the purpose and mission articulated in s. 240.105, the mission of the state system of postsecondary education is to complement, facilitate, and support the economic development strategies and goals of the state and its communities.

(2) In recognition and furtherance of the economic development mission of the state system of postsecondary education, it is the policy of the state to use the patent system and the technology-licensing operations of public universities to promote the use of inventions arising from funded research; to encourage to the maximum extent possible the participation of businesses based in this state in opportunities to commercialize technology; to promote collaboration between businesses in this state and universities; and to secure for the residents of this state enhanced returns on the intellectual property developed by public universities through funded research.

Section 6. Section 240.710, Florida Statutes, is amended to read:

240.710 Digital Media Education Coordination Group.—

(1) The Division of Universities of the Department of Education Board of Regents shall create a Digital Media Education Coordination Group composed of representatives of the universities within the State University System that shall work in conjunction with the Division Department of Education, the State Board of Community Colleges, the Office of Tourism, Trade, and Economic Development, and the Articulation Coordinating Committee on the development of a plan to enhance

Florida's ability to meet the current and future workforce needs of the digital media industry. The following purposes of the group shall be included in its plan development process:

(a) Coordination of the use of existing academic programs and research and faculty resources to promote the development of a digital media industry in this state.

(b) Address strategies to improve opportunities for interdisciplinary study and research within the emerging field of digital media through the development of tracts in existing degree programs, new interdisciplinary degree programs, and interdisciplinary research centers.

(c) Address the sharing of resources among universities in such a way as to allow a student to take courses from multiple departments or multiple educational institutions in pursuit of competency, certification, and degrees in digital information and media technology.

(2) Where practical, private accredited institutions of higher learning in this state should be encouraged to participate.

~~(3) In addition to the elements of the plan governed by the purposes described in subsection (1), the plan shall include, to the maximum extent practical, the coordination of educational resources to be provided by distance learning and shall facilitate to the maximum extent possible articulation and transfer of credits between community colleges and the state universities. The plan shall address student enrollment in affected programs with emphasis on enrollment beginning as early as fall term, 2001.~~

~~(3)(4) The Digital Media Education Coordination Group shall submit an annual report of its activities with any recommendations for policy implementation or funding to the State Board of Education its plan to the President of the Senate and the Speaker of the House of Representatives no later than February 1 of each year January 1, 2001.~~

Section 7. Paragraph (a) of subsection (3) of section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(3)(a) The Office of Tourism, Trade, and Economic Development may approve applications for certification pursuant to ss. 288.1045(3) and 288.106. However, the total state share of tax refund payments scheduled in all active certifications for fiscal year 2000-2001 shall not exceed \$24 million. The state share of tax refund payments scheduled in all active certifications for fiscal year 2001-2002 and each subsequent year shall not exceed \$30 million. The total state share of tax refund payments scheduled in all active certifications for each subsequent fiscal year shall not exceed \$35 million.

Section 8. Paragraph (i) of subsection (6) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(i) For the purposes of this subsection, ~~the semiconductor a high-impact sector consists of the silicon technology sector and the information technology sector are that Enterprise Florida, Inc., has found to be~~ focused around the type of high-impact businesses for which the incentive created in this section ~~subsection~~ is designed. These sectors ~~required~~ and will create the kinds of economic sector and economy-wide benefits that justify the use of state resources as economic development incentives. Further, the use of state resources to encourage investment in these sectors is necessary to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations. For the purposes of this subsection and s. 220.191, the term "information technology sector" shall encompass, but not be limited to, the digital media sector as defined by Enterprise Florida, Inc., and approved by the Office of Tourism, Trade, and Economic Development.

Section 9. Section 288.911, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.911, F.S., for present text.)

288.911 Marketing campaign to promote high-technology industries.—

(1) Enterprise Florida, Inc., shall develop and implement a multifaceted marketing campaign to promote the existence and growth of high-technology industries in the state.

(2) The purpose of the marketing campaign shall be to inform businesses and individuals about the status of the high-technology businesses, workforce, infrastructure, and services in the state and to promote the state globally as an ideal location for high-technology business activity, in order to encourage the retention and growth of existing businesses, workers, and students in high-technology fields and to encourage the recruitment of new businesses, workers, and students in high-technology fields.

(3) Enterprise Florida, Inc., shall develop the marketing campaign in coordination and consultation with:

- (a) The Office of Tourism, Trade, and Economic Development;
- (b) The State Technology Office;
- (c) Workforce Florida, Inc.;
- (d) Local and regional economic development organizations; and
- (e) Business organizations representing high-technology industries throughout the state, including, but not limited to, the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida. Enterprise Florida, Inc., shall solicit input from such business organizations on the themes to be emphasized and messages to be conveyed in the marketing campaign, in order to ensure that the campaign effectively targets the needs and interests of high-technology businesses, workers, and students.

(4) At a minimum, the marketing campaign must include creation of a brand identification for promoting the state as a location for high-technology industries and must include use of Internet websites to develop such brand identification and to provide information on the state's high-technology industries and the various programs and services available to assist such industries. Enterprise Florida, Inc., shall use the Internet-based system for information technology industry promotion and workforce recruitment required under s. 445.045 as one of the forums for distribution of the marketing campaign required under this section.

(5) The marketing campaign must be coordinated with and consistent with the existing economic development efforts of the state, and such campaign must be funded in part with resources from the private sector.

Section 10. The Legislature finds that the Information Services Technology Development Task Force created under chapter 99-354, Laws of Florida, performed an integral role in analyzing and recommending policies to facilitate the beneficial development and deployment of information technology on a statewide basis. It is the intent of the Legislature that, upon the dissolution of the task force effective July 1, 2001, the state solicit continued policy guidance and direction from a not-for-profit corporation created to advocate on behalf of information technology businesses and other high-technology businesses throughout the state and which does business under the name "itflorida.com, Inc." It further is the intent of the Legislature that the State Technology Office; the Office of Tourism, Trade, and Economic Development; and Enterprise Florida, Inc., facilitate the formation and initial operation of such corporation to the maximum extent feasible and that such organizations use the corporation as a resource for information and insights about the information technology industry and other high-technology industries.

Section 11. Effective upon this act becoming a law, section 288.9522, Florida Statutes, is created to read:

288.9522 Florida Research Consortium.—

(1) CREATION.—There is created the Florida Research Consortium, which shall be organized and operated as a not-for-profit corporation in compliance with chapter 617. The consortium shall serve as the principal entity for uniting businesses and research universities in the state in order to enhance economic development through the development and

commercialization of science and technology and for targeting the activities of such universities toward fulfillment of the economic development goals of the state.

(2) BOARD OF DIRECTORS.—The Florida Research Consortium shall be governed by a board of directors comprised of the following members:

(a) Ten chief executive officers of businesses based in this state who are appointed by the Governor. Initially, of the 10 chief executive officers, the Governor shall appoint 5 members for terms of 4 years, 3 members for terms of 3 years, and 2 members for terms of 2 years. Thereafter, the Governor shall appoint all members for terms of 4 years.

(b) Two chief executive officers of businesses based in this state who are appointed by the President of the Senate and who serve at the pleasure of the President.

(c) Two chief executive officers of businesses based in this state who are appointed by the Speaker of the House of Representatives and who serve at the pleasure of the Speaker.

(d) The presidents of the following research universities:

1. University of Florida;
2. Florida State University;
3. University of Central Florida;
4. University of South Florida;
5. Florida Atlantic University;
6. Florida International University;
7. Florida Agricultural and Mechanical University;
8. University of North Florida;
9. Florida Gulf Coast University;
10. University of West Florida; and
11. University of Miami.

(e) The president of Enterprise Florida, Inc.

(f) The president of Workforce Florida, Inc.

(g) One representative each from two not-for-profit research institutes located in the state which are not public or private universities, who are appointed by the Governor for terms of 4 years.

(h) The Governor or the Governor's designee, who shall serve as an ex-officio, nonvoting member.

(i) The Commissioner of Education or the commissioner's designee, who shall serve as an ex-officio, non-voting member.

The voting members of the board of directors shall biennially elect one of the voting members of the board to serve as the chairman of the board. All members appointed under paragraphs (a), (b), (c), and (g) are subject to Senate confirmation.

(3) PURPOSE.—The purpose of the Florida Research Consortium is to support economic development in the state by linking the research capabilities of member universities with the needs and activities of private businesses in the state and by fostering the development and growth of scientific and technology-based industry and commerce in this state.

(4) POWERS AND DUTIES.—The powers and duties of the board of directors of the Florida Research Consortium shall include, but not be limited to:

(a) Raising funds from nonstate sources to leverage any appropriations from the Legislature;

(b) Identifying three specific disciplines in science or technology which shall be the focus of the activities of the consortium, with such disciplines being narrowly defined and being viable areas of potential

success for the state from an economic development and academic perspective;

(c) Developing and implementing strategies to recruit and retain pre-eminent researchers in science and technology-based disciplines to universities in the state, with such strategies including but not being limited to the endowment of faculty or research chairs at universities in the state in the disciplines identified under paragraph (b);

(d) Developing and implementing strategies to recruit and retain graduate and undergraduate students in science and technology-based disciplines to universities in the state;

(e) Assisting new and expanding science and technology-based businesses with their research, technology commercialization, capital, and workforce needs;

(f) Developing and implementing strategies to increase the state's share of research funds;

(g) Identifying statutory, regulatory, policy, or other barriers impeding the effective, efficient, and timely transfer of technology and commercialization of research from the university setting and proposing resolutions to such barriers, including reforms to university policies on issues such as conflicts of interest;

(h) Developing and implementing strategies to create a culture at member universities which promotes the conduct of applied research and the transfer of technology as fundamental activities of such universities;

(i) Developing measures to assess the performance of the technology transfer offices of the member universities in facilitating the transfer of technology to businesses in the state;

(j) Facilitating discussions, meetings, and other forms of communication among university researchers, faculty, administrators, and students; high technology businesses in the state; and economic-development professionals;

(k) Establishing and maintaining an Internet-based database for the marketing, publication, and exchange of information with the public and private sectors on basic, applied, and other research being conducted at universities in the state;

(l) Coordinating donations of equipment from high-technology businesses to secondary schools;

(m) Hiring an executive director and other staff for the Florida Research Consortium; and

(n) Meeting at least four times each calendar year, with the first meeting of the board of directors being held by July 1, 2001.

(5) ANNUAL REPORT.—

(a) By January 1 of each year, the Florida Research Consortium shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include specific recommendations regarding actions the state could take to enhance the commercialization of research and transfer of technologies from the universities and to enhance the role of universities in accomplishing the economic development goals of the state.

(b) By December 1 of each year, the technology transfer office of each university that is a member of the Florida Research Consortium shall report to the board of directors on the activities of the office during the year related to facilitating the transfer of technology to businesses and on its other activities related to building relationships between university researchers, faculty, students, and administrators and businesses in the state. The report must include information on the achievement by the office of the performance measures identified under paragraph (4)(i). The board of directors shall summarize the information provided by the technology transfer offices as part of the annual report by the board under paragraph (a).

Section 12. (1) The Legislature finds that promoting objectivity in research at public universities is important to ensure that conflicts of interest do not compromise the responsibility of faculty, researchers, staff,

and students to the state and the public educational institutions they represent. The Legislature also finds, however, that the transfer of technology from the university setting to the private sector produces economic development benefits for the state and its citizens and is a laudable public policy goal of the state. The Legislature further finds that such transfer of technology is facilitated by encouraging communication and relationships between university employees and business entities. Therefore, it is the intent of the Legislature that public universities in the state operate under policies and procedures that safeguard the public trust but that also facilitate the transfer of technology by not unduly burdening the building of relationships between university employees and business entities.

(2) The Florida Research Consortium shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002, on the impact of existing statutes, regulations, policies, and procedures, as well as other factors the consortium identifies, on the transfer and commercialization of technology from the university setting to the private sector and on the ability of university faculty, researchers, other staff, and students to establish relationships with business entities emanating from research conducted at the universities. The report shall include specific recommendations for actions by the Legislature, universities, and state agencies to enhance and promote the transfer and commercialization of technology to produce economic development benefits for the state and its residents. At a minimum, this report must:

(a) Examine the code of ethics for public officers and employees under part III of chapter 112, Florida Statutes, to identify any specific provisions that impede the transfer and commercialization of technology and recommend any changes to the code that the consortium deems necessary to address such impediments.

(b) Assess the strengths and weaknesses of technology transfer and commercialization policies and practices of the member universities of the consortium and identify any exemplars.

(c) Review technology transfer and commercialization policies and practices in other states to identify models for potential adoption in this state.

(d) Examine federal statutes and regulations governing conflicts of interest and disclosure of significant financial interests by researchers who apply for or receive federal research funds and recommend whether comparable statutory or regulatory provisions should be adopted in this state.

(e) Analyze the provisions of the federal Bayh-Dole Act and related legislation and recommend whether any comparable provisions should be adopted in this state.

(f) Assess the advantages and disadvantages of adopting policies and practices related to the transfer and commercialization of technology on a statewide basis versus at the individual university level.

(3) The consortium shall solicit the participation in the preparation of this report of individuals who have expertise related to the transfer and commercialization of technology but who are not members of the consortium.

(4) This section shall take effect upon this act becoming a law.

Section 13. Section 445.045, Florida Statutes, is amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(1) ~~Workforce Florida, Inc., The Department of Labor and Employment Security shall be responsible for facilitate efforts to ensure the~~ development and maintenance of a website that promotes and markets the information technology industry in this state. The website shall be designed to inform the public concerning the scope of the information technology industry in the state and shall also be designed to address the workforce needs of the industry. The website shall include, through links or actual content, information concerning information technology businesses in this state, including links to such businesses; information concerning employment available at these businesses; and the means by which a jobseeker may post a resume on the website.

(2) ~~Workforce Florida, Inc., The Department of Labor and Employment Security shall coordinate with the State Technology Office and the~~

Agency for Workforce Innovation ~~Workforce Development Board of Enterprise Florida, Inc.~~, to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

(3) Workforce Florida, Inc., shall ensure that the website developed and maintained under this section is consistent, compatible, and coordinated with the workforce information systems required under s. 445.011, including, but not limited to, the automated job-matching information system for employers, job seekers, and other users.

(4)(a) Workforce Florida, Inc., shall coordinate development and maintenance of the website under this section with the state's Chief Information Officer in the State Technology Office to ensure compatibility with the state's information system strategy and enterprise architecture.

(b) Workforce Florida, Inc., may enter into an agreement with the State Technology Office, the Agency for Workforce Innovation, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

(c) Workforce Florida, Inc., may procure services necessary to implement the provisions of this section, provided, however, that it employs competitive processes, including requests for proposals, competitive negotiation, and other competitive processes to ensure that the procurement results in the most cost-effective investment of state funds.

(5) In furtherance of the requirements under this section that the website promote and market the information technology industry by communicating information on the scope of the industry in this state, Workforce Florida, Inc., shall coordinate its efforts with the high-technology industry marketing efforts of Enterprise Florida, Inc., under s. 288.911. Through links or actual content, the website developed under this section shall serve as a forum for distributing the marketing campaign developed by Enterprise Florida, Inc., under s. 288.911. In addition, Workforce Florida, Inc., shall solicit input from the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida.

Section 14. Pilot grant program for youth internships.—

(1) Subject to legislative appropriation, Workforce Florida, Inc., shall establish a pilot matching grant program that is designed to encourage high-technology businesses to employ, train, and mentor financially needy youth through internships completed under the direct supervision of the eligible business. Under this program, Workforce Florida, Inc., may award grants to an eligible business for the benefit of a named eligible youth. Part of the purpose of the program shall be to help financially needy youth acquire and develop information technology skills in order to help close the "digital divide."

(2) Grant funds awarded under this program shall be used to supplement the stipend of the eligible youth and must be matched by contributions from the eligible business. The maximum grant amount that may be awarded on behalf of a single eligible youth at one time is \$2,000. Workforce Florida, Inc., may establish limitations on the total number of internship grants that may be awarded to a single eligible business or that may be awarded on behalf of a single eligible youth.

(3) An eligible business under this program includes any sole proprietorship, firm, partnership, or corporation in this state that is in the information technology sector, health technology sector, or other high-technology sector that the board of directors of Workforce Florida, Inc., in consultation with Enterprise Florida, Inc., determines is strategically important to the economic development goals of the state.

(4) An eligible youth under this program includes a student between the ages of 15 and 18 who is currently enrolled at a high school in Florida and who has not been previously employed within the preceding 12 months by the eligible business, or a successor business, applying for matching funds under this program. The youth must be a member of a family that includes a parent with one or more minor children or a caretaker with one or more minor children and that is at risk of welfare dependency because the family's income does not exceed 200 percent of the federal poverty level.

(5)(a) As part of an application for funding under this program, an eligible business must submit an internship work plan that describes:

1. The work to be performed by the eligible youth;
2. The anticipated number of hours per week the eligible youth will work;
3. The total hourly stipend to be paid to eligible youth, with a description of the portion of the stipend proposed to be paid by the eligible business and the portion of the stipend proposed to be paid by the state;
4. The anticipated term of the internship;
5. The training and supervision to be provided by the eligible business, particularly in terms of skill development of the youth related to computers and other information technologies;
6. The impact of the grant funds on the ability of the eligible business to employ the eligible youth through the internship; and
7. The prospects for unsubsidized employment of the youth after the internship period concludes.

(b) An application for funding must also identify the eligible youth to be hired under the internship and include information to demonstrate that the eligible youth satisfies the requirements of subsection (4).

(6) Workforce Florida, Inc., shall establish guidelines governing the administration of this program which facilitate access to the program by businesses and shall establish criteria to be used in evaluating an application for funding and the internship plan accompanying the application as required under subsection (5). Such criteria must include, but need not be limited to:

- (a) The nature of the work to be performed by the eligible youth;
- (b) The potential experience and skills to be acquired by the eligible youth, particularly related to computers and other information technologies, as identified by Workforce Florida, Inc., which may help address the digital divide;
- (c) Whether the eligible business is classified in one of the business sectors identified by Enterprise Florida, Inc., as being strategically important to the economic development efforts of the state or is classified in a business sector identified as being strategically important to the particular regional or local area in which the business is located;
- (d) The supervision, training, and counseling to be provided to the eligible youth as part of the internship;
- (e) The demonstrated need of the eligible business and the amount of matching funds to be provided by the eligible business; and
- (f) The extent to which the internship has potential to result in permanent employment with the eligible business at the completion of the internship or anytime thereafter.

(7) Before allocating funds for any grant application under this program, Workforce Florida, Inc., shall execute a simplified grant agreement with the eligible business. Such agreement must include provisions for Workforce Florida, Inc., to have access to information about the performance of eligible youth upon completion of the internship.

(8) Workforce Florida, Inc., shall ensure that any forms or reports associated with this program which a business or individual is required to complete are as concise and simple to complete as practicable.

(9) Before the 2003 legislative session, Workforce Florida, Inc., shall prepare a report describing the outcomes of the pilot program authorized under this section. The report must include a recommendation as to whether the Legislature should continue to fund the program and on any changes necessary to enhance the program. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2003.

Section 15. Joint-Use Advanced Digital-Media Research and Production Facilities.—

(1) *The Legislature finds that developments in digital media are having, and will continue to have, a profound effect on the state, its people, and its businesses in areas including, but not limited to, information technology, simulation technology, and film and entertainment production and distribution. The digital-media industry represents a strategic economic development opportunity for the state to become a global leader in this emerging and dynamic field. The ability of the state to succeed in developing the digital-media sector, however, depends upon having a workforce with skills necessary to meet the demands of the industry. The Legislature further finds that the convergence of media and the collaboration of businesses and multi-disciplinary academic research programs will enable this state to compete more successfully with other digital-media innovation centers around the country and around the world. Therefore, it is the intent of the Legislature to support the establishment and maintenance of joint-use advanced digital-media research and production facilities in the state to provide regional focal points for collaboration between research and education programs and digital-media industries.*

(2) *Subject to legislative appropriation, the Office of Tourism, Trade, and Economic Development is authorized to create and administer a program to facilitate the establishment and maintenance of joint-use advanced digital-media research and production facilities at strategic locations around the state. The office shall administer all facets of this program in cooperation and consultation with the Office of the Film Commissioner; Enterprise Florida, Inc.; Workforce Florida, Inc.; the Digital Media Education Coordination Group of the State University System; and a not-for-profit corporation that represents information technology businesses throughout the state.*

(3) *The purposes of a joint-use advanced digital-media research and production facility shall include:*

(a) *Creating opportunities for industry, academia, and government to benefit from student and researcher involvement in applied research and development projects and other projects related to digital media.*

(b) *Promoting paths to future employment for students participating in the activities of the facility.*

(c) *Contributing to the development of a skilled workforce to support the needs of the digital-media industry.*

(d) *Facilitating the transfer of research results to commercial and government applications.*

(e) *Integrating the efforts and activities of the diverse, high-technology industries in the state that are critical to the economic future of the state.*

(f) *Assisting producers, suppliers, and distributors to make the transition from well-established passive media infrastructure to a highly interactive and immersive media infrastructure.*

(g) *Performing other functions or activities designed to contribute to the success of the state in becoming a leader in the digital-media industry, as approved by the Office of Tourism, Trade, and Economic Development.*

(4) *In carrying out its responsibilities under this section, the Office of Tourism, Trade, and Economic Development:*

(a) *Shall develop a strategic plan for how joint-use advanced digital-media research and production facilities will be governed and for how such facilities will be funded in the long term. The office may contract for the preparation of the strategic plan required by this paragraph.*

(b) *May contract for the establishment of joint-use advanced digital-media research and production facilities. In identifying, approving, and executing such contracts, the office shall attempt to maximize the use and integration of existing facilities and programs in the state that are suitable for application as joint-use advanced digital-media facilities. Funds awarded under such contracts may be used to lease or refurbish existing facilities to create state-of-the-art digital-media design, production, and research laboratories that shall be shared by public and private educational institutions and industry partners.*

(c) *Shall ensure that funds appropriated for the program authorized in this section are expended in a manner consistent with the priority*

needs for developing the digital-media industry in this state, as identified by the organizations listed in subsection (2).

(d) *Shall require any entity or organization receiving state funding under this section to match such funding with non-state sources.*

(e) *Shall require any joint-use advanced digital-media research and production facility receiving state funds to submit for approval by the office a detailed plan for the operation of such facility. Such operating plan must, at a minimum, include provisions for the establishment of a tenant association, with representation by each tenant using the facility, and for the collection of annual dues from tenants to support the operation and maintenance of the facility.*

(f) *Shall require any joint-use advanced digital-media research and production facility receiving state funding to submit an annual report to the office by a date established by the office. Upon receipt of such annual reports, the office shall provide copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(g) *Shall establish guidelines and criteria governing the application for and receipt of funds under this section.*

(h) *May, as part of the annual report on the business climate of the state required under section 14.2015, Florida Statutes, recommend to the Legislature policies designed to enhance the effectiveness of the program for joint-use advanced digital-media research and production facilities or policies designed to otherwise promote the development of the digital-media industry in the state.*

(5) *For the purposes of this section, the term "digital media" is defined as a discipline based on the creative convergence of art, science, and technology for human expression, communication, and social interaction. The Office of Tourism, Trade, and Economic Development, in cooperation and consultation with the organizations identified in subsection (2), shall identify specific types of businesses or types of business activity to be included within the term "digital media."*

Section 16. (1) *In implementing the single, statewide computer-assisted student advising system required under section 240.2099, Florida Statutes, the Board of Regents and the State Board of Community Colleges may:*

(a) *Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and enforce their rights with respect thereto.*

(b) *Enter into binding agreements with organizations, corporations, or government entities to license, lease, assign, or otherwise give written consent to any person, firm, corporation, or agency for the use of the single, statewide, computer-assisted student advising system and collect royalties or any other consideration that the boards find proper.*

(c) *Sell or license any such work products and execute all instruments necessary to consummate the sale or license.*

(2) *The Board of Regents and the State Board of Community Colleges shall submit to the President of the Senate and the Speaker of the House of Representatives any agreement relating to this section. The President and Speaker may review the terms of the agreement and respond with comments for 30 days after receipt of an agreement; after that time, the agreement is binding.*

(3) *All or a portion of the proceeds derived from activities authorized under this section may be expended for developing the next generation of on-line student services, maintaining and operating the system, and acquiring statewide licenses for related software. Proceeds in excess of that necessary to support such expenditures may be deposited in the State Treasury to support need-based student aid or to support information technology infrastructure.*

Section 17. *There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$3 million in fiscal year 2001-2002 for a program to facilitate the establishment and maintenance of joint-use advanced digital-media research and production facilities at strategic locations around the state as provided in this act.*

Section 18. *There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$1.5*

million in fiscal year 2001–2002 for use by Enterprise Florida, Inc., in creating and implementing the marketing campaign for high-technology industry promotion as required under section 288.911, Florida Statutes.

Section 19. *The unexpended balance of funds from section 38 of chapter 2000–164, Laws of Florida, authorized to reimburse eligible companies for sales tax payments made on equipment specifically associated with the creation of a network access point, is reappropriated for Fiscal Year 2001–2002 to the Department of Revenue for reimbursement of such sales tax payments as provided in section 212.08(5), Florida Statutes.*

Section 20. *There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$100,000 in fiscal year 2001–2002 for use by the Florida Research Consortium created under section 288.9522, Florida Statutes, for the purposes specified in such section.*

Section 21. *There is appropriated from the Employment Security Administration Trust Fund to the Agency for Workforce Innovation the sum of \$200,000 in fiscal year 2001–2002 for use by Workforce Florida, Inc., in implementing the pilot matching grant program for youth internships as provided in this act. The source of these funds is the Temporary Assistance for Needy Families block grant.*

Section 22. Except as otherwise provided, 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 economic development; creating the “Florida Emerging and Strategic Technologies Act”; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term “project” to include information technology facilities; defining the term “information technology facility”; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.095, F.S.; raising 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; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; amending s. 288.911, F.S.; requiring Enterprise Florida, Inc., to develop and implement a marketing campaign to promote high-technology industries; providing the purpose of such campaign; requiring coordination with specified entities in the development of such campaign; prescribing components of such campaign; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying

the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term “digital media”; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations; providing effective dates.

WHEREAS, Enterprise Florida, Inc., has sector strategies devoted to Florida’s health technology industry and information technology industry, and

WHEREAS, the health technology industry and information technology industry represent valued and growing sectors of Florida’s economy, and

WHEREAS, these industries employ Floridians at high average wages, and

WHEREAS, these industries are dominated by small employers and entrepreneurs who look to the state, its communities, economic development organizations, and community colleges and universities to provide an environment that will nurture their development, and

WHEREAS, these industries have identified issues relating to workforce development, transfer of technology from universities, availability of capital, and economic development marketing and programs as affecting their viability and development, and

WHEREAS, the issues affecting the viability and development of these industries are also critical to other emerging and strategic high-technology industries that are critically important to the economic development of the state in the New Economy, and

WHEREAS, high-technology industries improve the quality of life for all Floridians, and

WHEREAS, the Florida Legislature recognizes the importance of high-technology industries to our state, NOW, THEREFORE,

On motion by Senator Klein, further consideration of **CS for SB 1750** with pending **Amendment 1** was deferred.

On motion by Senator Sullivan—

CS for SB 1966—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1966** to **HB 1429**.

Pending further consideration of **CS for SB 1966** as amended, on motion by Senator Sullivan, by two-thirds vote **HB 1429** was withdrawn from the Committees on Judiciary; and Health, Aging and Long-Term Care.

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

HB 1429—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

—a companion measure, was substituted for **CS for SB 1966** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1429** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 514—A bill to be entitled An act relating to public records; creating s. 817.569, F.S.; providing that it is a misdemeanor of the first degree to use a public record, or information obtained from a public record, to facilitate the commission of a misdemeanor of the first degree; providing that it is a felony of the third degree to use a public record, or information obtained from a public record, to facilitate the commission of a felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 514** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by two-thirds vote **HB 403** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Villalobos—

HB 403—A bill to be entitled An act relating to a public records exemption for records relating to pawnbroker transactions; amending s. 539.003, F.S., which provides an exemption from public records requirements for records relating to pawnbroker transactions delivered to appropriate law enforcement officials; 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 804** and read the second time by title.

Pursuant to Rule 4.19, **HB 403** was placed on the calendar of Bills on Third Reading.

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

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

Program in compliance with the Internal Revenue Code; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for SB 436** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by two-thirds vote **CS for HB 1385** was withdrawn from the Committee on Children and Families.

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

CS for HB 1385—A bill to be entitled An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; creating s. 414.295, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, a local committee, or service providers under contract with any of these entities; authorizing release of such information under specified circumstances; amending s. 445.007, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2178** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1385** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Campbell—

CS for CS for SB 1092—A bill to be entitled An act relating to insurance fraud; providing legislative findings; creating s. 456.0375, F.S., relating to clinics; defining the term "clinic"; imposing registration requirements for certain clinics; providing for medical directors; providing for enforcement; amending s. 626.989, F.S., relating to Department of Insurance investigation of insurance fraud; revising immunity provisions; amending s. 627.732, F.S., relating to definitions; defining the terms "medically necessary" and "broker"; amending s. 627.736, F.S.; revising provisions relating to required personal injury protection benefits; deleting provisions specifying what medical payments insurance pays; revising provisions for charges for treatments; providing for pre-suit notice; amending s. 627.739, F.S.; providing circumstances for which an insurer is not required to pay any charge; amending s. 817.234, F.S.; revising provisions relating to false and fraudulent insurance claims; amending s. 817.505, F.S.; providing penalties; amending s. 324.021, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Campbell and failed:

Amendment 1 (761546)(with title amendment)—On page 28, line 9 through page 30, line 23, delete those lines and insert:

Section 7. Effective October 1, 2001, subsections (8) and (9) of section 817.234, Florida Statutes, are amended to read:

817.234 False and fraudulent insurance claims.—

(8) It is unlawful for any person, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association, to solicit or cause to be solicited any business from a person involved in a motor vehicle accident by any means of communication other than advertising directed to the public in or about city receiving hospitals, city and county receiving hospitals, county hospitals, justice courts, or municipal courts; in any public institution; in any public place; upon any public street or highway; in or about private hospitals, sanitariums, or any private institution; or upon private property of any character whatsoever for the purpose of making motor vehicle tort claims or claims for personal injury protection benefits required by s. 627.736. Charges for any services rendered by a health care provider or attorney who violates this subsection in regard to the person for whom such services were rendered are noncompensable and unenforceable as a matter of law. Any person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) It is unlawful for any attorney to solicit any business relating to the representation of a person involved in a motor vehicle accident for the purpose of filing a motor vehicle tort claim or a claim for personal injury protection benefits required by s. 627.736. The solicitation by advertising of any business by an attorney relating to the representation of a person injured in a specific motor vehicle accident is prohibited by this section. Any attorney who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Whenever any circuit or special grievance committee acting under the jurisdiction of the Supreme Court finds probable cause to believe that an attorney is guilty of a violation of this section, such committee shall forward to the appropriate state attorney a copy of the finding of probable cause and the report being filed in the matter. This section shall not be interpreted to prohibit advertising by attorneys which does not entail a solicitation as described in this subsection and which is permitted by the rules regulating The Florida Bar as promulgated by the Florida Supreme Court.

Section 8. Effective October 1, 2001, paragraphs (c), (e), 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
		(c) LEVEL 3
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.

Florida Statute	Felony Degree	Description
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234(8) & (9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
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).
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.
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.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).	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.
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.	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.
316.1935(4)	2nd	Aggravated fleeing or eluding.	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).
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.			(g) LEVEL 7
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
790.01(2)	3rd	Carrying a concealed firearm.	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
790.162	2nd	Threat to throw or discharge destructive device.	409.920(2)	3rd	Medicaid provider fraud.
790.163	2nd	False report of deadly explosive.	456.065(2)	3rd	Practicing a health care profession without a license.
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.	458.327(1)	3rd	Practicing medicine without a license.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.	459.013(1)	3rd	Practicing osteopathic medicine without a license.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.	460.411(1)	3rd	Practicing chiropractic medicine without a license.
800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.	461.012(1)	3rd	Practicing podiatric medicine without a license.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	462.17	3rd	Practicing naturopathy without a license.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.	463.015(1)	3rd	Practicing optometry without a license.
812.131(2)(b)	3rd	Robbery by sudden snatching.	464.016(1)	3rd	Practicing nursing without a license.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.	465.015(2)	3rd	Practicing pharmacy without a license.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
817.234(11)(b)	2nd	<i>Insurance fraud; property value \$20,000 or more but less than \$100,000.</i>	467.201	3rd	Practicing midwifery without a license.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	468.366	3rd	Delivering respiratory care services without a license.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.	483.901(9)	3rd	Practicing medical physics without a license.
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.	484.053	3rd	Dispensing hearing aids without a license.
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).	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.
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.	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
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.	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	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)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	872.06	2nd	Abuse of a dead human body.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	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.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	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.
784.081(1)	1st	Aggravated battery on specified official or employee.	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).
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
784.083(1)	1st	Aggravated battery on code inspector.	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
796.03	2nd	Procuring any person under 16 years for prostitution.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
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.	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.	893.135(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	893.135(1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.			
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.			
812.131(2)(a)	2nd	Robbery by sudden snatching.			

And the title is amended as follows:

On page 1, line 24, delete "providing penalties;" and insert: ranking certain criminal offenses specified in s. 921.0022, F.S.;

Senator Campbell moved the following amendment:

Amendment 2 (255388)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Legislative findings.—*The Legislature finds that the Florida Motor Vehicle No-Fault Law is intended to deliver medically necessary and appropriate medical care quickly and without regard to fault, and without undue litigation or other associated costs. The Legislature further finds that this intent has been frustrated at significant cost and harm to consumers by, among other things, fraud, medically inappropriate over-utilization of treatments and diagnostic services, inflated charges, and other practices on the part of a small number of health care providers and unregulated health care clinics, entrepreneurs, and attorneys. Many of these practices are described in the second interim report of the Fifteenth Statewide Grand Jury entitled "Report on Insurance Fraud Related to Personal Injury Protection." The Legislature hereby adopts and incorporates in this section by reference as findings the entirety of this Grand Jury report. The Legislature further finds insurance fraud related to personal injury protection takes many forms, including, but not limited to, illegal solicitation of accident victims; brokering patients among doctors, lawyers, and diagnostic facilities; unnecessary medical treatment of accident victims billed to insurers by clinics; billing of insurers by clinics for services not rendered; the intentional overuse or misuse of legitimate diagnostic tests; inflated charges for diagnostic tests or procedures arranged through brokers; and filing fraudulent motor vehicle tort lawsuits. As a result, the Legislature declares it necessary, among other things, to increase the punishment for certain offenses related to solicitation of accident victims and use of police reports, register certain clinics; subject certain diagnostic tests to maximum reimbursement allowances; prohibit the brokering of magnetic resonance imaging services; allow providers and insurers additional time to bill and pay claims in certain situations; require notification of insurers prior to initiating litigation for an overdue claim for benefits; and provide insurers with a civil cause of action for insurance fraud. The Legislature further declares the problem of fraud addressed in the Grand Jury report and in this act and matters connected therewith are matters of great public interest and importance to public health, safety, and welfare, and that the specific provisions of this act are the least-restrictive reasonable means by which to solve these problems.*

Section 2. Subsection (3) is added to section 119.10, Florida Statutes, to read:

119.10 Violation of chapter; penalties.—

(3) Any person who willfully and knowingly violates s. 119.105 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Effective October 1, 2001, section 456.0375, Florida Statutes, is created to read:

456.0375 *Registration of certain clinics; requirements; discipline; exemptions.*—

(1)(a) As used in this section, the term "clinic" means a business operating in a single structure or facility, or in a group of adjacent structures or facilities operating under the same business name or management, at which health care services are provided to individuals and which tender charges for reimbursement for such services.

(b) For purposes of this section, the term "clinic" does not include and the registration requirements herein do not apply to:

1. Entities licensed or registered by the state pursuant to chapter 390, chapter 394, chapter 395, chapter 397, chapter 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter 480, or chapter 484.

2. Entities exempt from federal taxation under 26 U.S.C. s. 501(c)(3).

3. Sole proprietorships, group practices, partnerships, or corporations that provide health care services by licensed health care practitioners pursuant to chapters 457, 458, 459, 460, 461, 462, 463, 466, 467, 484, 486, 490, 491, or parts I, III, X, XIII, or XIV of chapter 468, or s. 464.012, which are wholly owned by licensed health care practitioners or the licensed health care practitioner and the spouse, parent, or child of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the services performed

therein and is legally responsible for the entity's compliance with all federal and state laws. However, no health care practitioner may supervise services beyond the scope of the practitioner's license.

(2)(a) Every clinic, as defined in paragraph (1)(a), must register, and must at all times maintain a valid registration, with the Department of Health. Each clinic location shall be registered separately even though operated under the same business name or management, and each clinic shall appoint a medical director or clinical director.

(b) The department shall adopt rules necessary to implement the registration program, including rules establishing the specific registration procedures, forms, and fees. Registration fees must be reasonably calculated to cover the cost of registration and must be of such amount that the total fees collected do not exceed the cost of administering and enforcing compliance with this section. Registration may be conducted electronically. The registration program must require:

1. The clinic to file the registration form with the department within 60 days after the effective date of this section or prior to the inception of operation. The registration expires automatically 2 years after its date of issuance and must be renewed biennially.

2. The registration form to contain the name, residence and business address, phone number, and license number of the medical director or clinical director for the clinic.

3. The clinic to display the registration certificate in a conspicuous location within the clinic readily visible to all patients.

(3)(a) Each clinic must employ or contract with a physician maintaining a full and unencumbered physician license in accordance with chapter 458, chapter 459, chapter 460, or chapter 461 to serve as the medical director. However, if the clinic is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, chapter 490, or chapter 491 or part I, part III, part X, part XIII, or part XIV of chapter 468, the clinic may appoint a health care practitioner licensed under that chapter to serve as a clinical director who is responsible for the clinic's activities. A health care practitioner may not serve as the clinical director if the services provided at the clinic are beyond the scope of that practitioner's license.

(b) The medical director or clinical director shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinical director shall:

1. Have signs identifying the medical director or clinical director posted in a conspicuous location within the clinic readily visible to all patients.

2. Ensure that all practitioners providing health care services or supplies to patients maintain a current active and unencumbered Florida license.

3. Review any patient referral contracts or agreements executed by the clinic.

4. Ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.

5. Serve as the clinic records holder as defined in s. 456.057.

6. Ensure compliance with the recordkeeping, office surgery, and adverse incident reporting requirements of chapter 456, the respective practice acts, and rules adopted thereunder.

7. Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director shall take immediate corrective action.

(c) Any contract to serve as a medical director or a clinical director entered into or renewed by a physician or a licensed health care practitioner in violation of this section is void as contrary to public policy. This section shall apply to contracts entered into or renewed on or after October 1, 2001.

(d) The department, in consultation with the boards, shall adopt rules specifying limitations on the number of registered clinics and licenses for which a medical director or a clinical director may assume respon-

sibility for purposes of this section. In determining the quality of supervision a medical director or a clinical director can provide, the department shall consider the number of clinic employees, clinic location, and services provided by the clinic.

(4)(a) All charges or reimbursement claims made by or on behalf of a clinic that is required to be registered under this section, but that is not so registered, are unlawful charges and therefore are noncompensable and unenforceable.

(b) Any person establishing, operating, or managing an unregistered clinic otherwise required to be registered under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any licensed health care practitioner who violates this section is subject to discipline in accordance with chapter 456 and the respective practice act.

(d) The department shall revoke the registration of any clinic registered under this section for operating in violation of the requirements of this section or the rules adopted by the department.

(e) The department shall investigate allegations of noncompliance with this section and the rules adopted pursuant to this section.

Section 4. Paragraph (c) of subsection (4) of section 626.989, Florida Statutes, is amended to read:

626.989 Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(4)

(c) In the absence of fraud or bad faith, a person is not subject to civil liability for libel, slander, or any other relevant tort by virtue of filing reports, without malice, or furnishing other information, without malice, required by this section or required by the department or division under the authority granted in this section, and no civil cause of action of any nature shall arise against such person:

1. For any information relating to suspected fraudulent insurance acts or persons suspected of engaging in such acts furnished to or received from law enforcement officials, their agents, or employees;

2. For any information relating to suspected fraudulent insurance acts or persons suspected of engaging in such acts furnished to or received from other persons subject to the provisions of this chapter; or

3. For any such information furnished in reports to the department, the division, the National Insurance Crime Bureau, or the National Association of Insurance Commissioners, or any local, state, or federal enforcement officials or their agents or employees; or

4. For other actions taken in cooperation with any of the agencies or individuals specified in this paragraph in the lawful investigation of suspected fraudulent insurance acts.

Section 5. Section 627.732, Florida Statutes, is amended to read:

627.732 Definitions.—As used in ss. 627.730-627.7405, the term:

(1) "Broker" means any person not possessing a license under chapter 395, chapter 400, chapter 458, chapter 459, chapter 460, chapter 461, or chapter 641 who charges or receives compensation for any use of medical equipment and is not the 100-percent owner or the 100-percent lessee of such equipment. For purposes of this section, such owner or lessee may be an individual, a corporation, a partnership, or any other entity and any of its 100-percent-owned affiliates and subsidiaries. For purposes of this subsection, the term "lessee" means a long-term lessee under a capital or operating lease, but does not include a part-time lessee. The term "broker" does not include a hospital or physician management company whose medical equipment is ancillary to the practices managed, a debt collection agency, or an entity that has contracted with the insurer to obtain a discounted rate for such services; nor does the term include a management company that has contracted to provide general management services for a licensed physician or health care facility and whose compensation is not materially affected by the usage or frequency of usage

of medical equipment or an entity that is 100-percent owned by one or more hospitals or physicians.

(2) "Medically necessary" refers to a medical service or supply that a prudent physician would provide for the purpose of preventing, diagnosing, or treating an illness, injury, disease, or symptom in a manner that is:

(a) In accordance with generally accepted standards of medical practice;

(b) Clinically appropriate in terms of type, frequency, extent, site, and duration; and

(c) Not primarily for the convenience of the patient, physician, or other health care provider.

(3)(4) "Motor vehicle" means any self-propelled vehicle with four or more wheels which is of a type both designed and required to be licensed for use on the highways of this state and any trailer or semitrailer designed for use with such vehicle and includes:

(a) A "private passenger motor vehicle," which is any motor vehicle which is a sedan, station wagon, or jeep-type vehicle and, if not used primarily for occupational, professional, or business purposes, a motor vehicle of the pickup, panel, van, camper, or motor home type.

(b) A "commercial motor vehicle," which is any motor vehicle which is not a private passenger motor vehicle.

The term "motor vehicle" does not include a mobile home or any motor vehicle which is used in mass transit, other than public school transportation, and designed to transport more than five passengers exclusive of the operator of the motor vehicle and which is owned by a municipality, a transit authority, or a political subdivision of the state.

(4)(2) "Named insured" means a person, usually the owner of a vehicle, identified in a policy by name as the insured under the policy.

(5)(3) "Owner" means a person who holds the legal title to a motor vehicle; or, in the event a motor vehicle is the subject of a security agreement or lease with an option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner for the purposes of ss. 627.730-627.7405.

(6)(4) "Relative residing in the same household" means a relative of any degree by blood or by marriage who usually makes her or his home in the same family unit, whether or not temporarily living elsewhere.

(7)(5) "Recovery agent" means any person or agency who is licensed as a recovery agent or recovery agency and authorized under s. 324.202 to seize license plates.

Section 6. Subsections (1), (4), (5), (7), and (8) of section 627.736, Florida Statutes, and paragraph (b) of subsection (6) of that section, are amended, and subsections (11) and (12) are added to that section, to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(1) REQUIRED BENEFITS.—Every insurance policy complying with the security requirements of s. 627.733 shall provide personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle, and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a self-propelled vehicle, subject to the provisions of subsection (2) and paragraph (4)(d), to a limit of \$10,000 for loss sustained by any such person as a result of bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(a) Medical benefits.—Eighty percent of all reasonable expenses for medically necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices, and medically necessary ambulance, hospital, and nursing services. Such benefits shall also include necessary remedial treatment and services recognized and permitted under the laws of the state for an injured person who relies upon spiritual means through prayer alone for healing, in accordance with his or

her religious beliefs; however, this sentence does not affect the determination of what other services or procedures are medically necessary.

(b) Disability benefits.—Sixty percent of any loss of gross income and loss of earning capacity per individual from inability to work proximately caused by the injury sustained by the injured person, plus all expenses reasonably incurred in obtaining from others ordinary and necessary services in lieu of those that, but for the injury, the injured person would have performed without income for the benefit of his or her household. All disability benefits payable under this provision shall be paid not less than every 2 weeks.

(c) Death benefits.—Death benefits of \$5,000 per individual. The insurer may pay such benefits to the executor or administrator of the deceased, to any of the deceased's relatives by blood or legal adoption or connection by marriage, or to any person appearing to the insurer to be equitably entitled thereto.

Only insurers writing motor vehicle liability insurance in this state may provide the required benefits of this section, and no such insurer shall require the purchase of any other motor vehicle coverage other than the purchase of property damage liability coverage as required by s. 627.7275 as a condition for providing such required benefits. Insurers may not require that property damage liability insurance in an amount greater than \$10,000 be purchased in conjunction with personal injury protection. Such insurers shall make benefits and required property damage liability insurance coverage available through normal marketing channels. Any insurer writing motor vehicle liability insurance in this state who fails to comply with such availability requirement as a general business practice shall be deemed to have violated part X of chapter 626, and such violation shall constitute an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance; and any such insurer committing such violation shall be subject to the penalties afforded in such part, as well as those which may be afforded elsewhere in the insurance code.

(4) BENEFITS; WHEN DUE.—Benefits due from an insurer under ss. 627.730-627.7405 shall be primary, except that benefits received under any workers' compensation law shall be credited against the benefits provided by subsection (1) and shall be due and payable as loss accrues, upon receipt of reasonable proof of such loss and the amount of expenses and loss incurred which are covered by the policy issued under ss. 627.730-627.7405. When the Agency for Health Care Administration provides, pays, or becomes liable for medical assistance under the Medicaid program related to injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle, benefits under ss. 627.730-627.7405 shall be subject to the provisions of the Medicaid program.

(a) An insurer may require written notice to be given as soon as practicable after an accident involving a motor vehicle with respect to which the policy affords the security required by ss. 627.730-627.7405.

(b) Personal injury protection insurance benefits paid pursuant to this section shall be overdue if not paid within 30 days after the insurer is furnished written notice of the fact of a covered loss and of the amount of same. If such written notice is not furnished to the insurer as to the entire claim, any partial amount supported by written notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. Any part or all of the remainder of the claim that is subsequently supported by written notice is overdue if not paid within 30 days after such written notice is furnished to the insurer. *When an insurer pays only a portion of a claim or rejects a claim, the insurer shall include with the partial payment or rejection an itemized specification of each item that the insurer had reduced, omitted, or declined to pay and any information that the insurer desires the claimant to consider related to the medical necessity of the denied treatment or to explain the reasonableness of the reduced charge, provided that this shall not limit the introduction of evidence at trial; and the insurer shall include the name and address of the person to whom the claimant should respond and a claim number to be referenced in future correspondence.* However, notwithstanding the fact that written notice has been furnished to the insurer, any payment shall not be deemed overdue when the insurer has reasonable proof to establish that the insurer is not responsible for the payment, notwithstanding that written notice has been furnished to the insurer. For the purpose of calculating the extent to which any benefits are overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if

not so posted, on the date of delivery. *This paragraph does not preclude or limit the ability of the insurer to assert that the claim was unrelated, was not medically necessary, or was unreasonable or that the amount of the charge was in excess of that permitted under, or in violation of, subsection (5). Such assertion by the insurer may be made at any time, including after payment of the claim or after the 30-day time period for payment set forth in this paragraph.*

(c) All overdue payments shall bear simple interest at the rate established by the Comptroller under s. 55.03 or the rate established in the insurance contract, whichever is greater, for the year in which the payment became overdue, calculated from the date the insurer was furnished with written notice of the amount of covered loss. *Interest shall be due at the time payment of the overdue claim is made of 10 percent per year.*

(d) The insurer of the owner of a motor vehicle shall pay personal injury protection benefits for:

1. Accidental bodily injury sustained in this state by the owner while occupying a motor vehicle, or while not an occupant of a self-propelled vehicle if the injury is caused by physical contact with a motor vehicle.

2. Accidental bodily injury sustained outside this state, but within the United States of America or its territories or possessions or Canada, by the owner while occupying the owner's motor vehicle.

3. Accidental bodily injury sustained by a relative of the owner residing in the same household, under the circumstances described in subparagraph 1. or subparagraph 2., provided the relative at the time of the accident is domiciled in the owner's household and is not himself or herself the owner of a motor vehicle with respect to which security is required under ss. 627.730-627.7405.

4. Accidental bodily injury sustained in this state by any other person while occupying the owner's motor vehicle or, if a resident of this state, while not an occupant of a self-propelled vehicle, if the injury is caused by physical contact with such motor vehicle, provided the injured person is not himself or herself:

a. The owner of a motor vehicle with respect to which security is required under ss. 627.730-627.7405; or

b. Entitled to personal injury benefits from the insurer of the owner or owners of such a motor vehicle.

(e) If two or more insurers are liable to pay personal injury protection benefits for the same injury to any one person, the maximum payable shall be as specified in subsection (1), and any insurer paying the benefits shall be entitled to recover from each of the other insurers an equitable pro rata share of the benefits paid and expenses incurred in processing the claim.

~~(f) Medical payments insurance, if available in a policy of motor vehicle insurance, shall pay the portion of any claim for personal injury protection medical benefits which is otherwise covered but is not payable due to the coinsurance provision of paragraph (1)(a), regardless of whether the full amount of personal injury protection coverage has been exhausted. The benefits shall not be payable for the amount of any deductible which has been selected.~~

~~(f)(g)~~ It is a violation of the insurance code for an insurer to fail to timely provide benefits as required by this section with such frequency as to constitute a general business practice.

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

(a) Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge only a reasonable amount for the products, services, and supplies accommodations rendered, and the insurer providing such coverage may pay for such charges directly to such person or institution lawfully rendering such treatment, if the insured receiving such treatment or his or her guardian has countersigned the invoice, bill, or claim form approved by the Department of Insurance upon which such charges are to be paid for as having actually been rendered, to the best knowledge of the insured or his or her guardian. In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like products, services, or supplies accommodations in cases involving no insurance, provided that

(b)1. An insurer or insured is not required to pay a claim made by a broker or by a person making a claim on behalf of a broker.

2. Charges for medically necessary cephalic thermograms, and peripheral thermograms, spinal ultrasounds, extremity ultrasounds, video fluoroscopy, and surface electromyography shall not exceed the maximum reimbursement allowance for such procedures as set forth in the applicable fee schedule or other payment methodology established pursuant to s. 440.13.

3. Payments by an insurer for medically necessary nerve conduction testing when done in conjunction with a needle electromyography procedure and both are performed and billed solely by a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461 who is also certified by the American Board of Electrodiagnostic Medicine or by a board recognized by the American Board of Medical Specialties or who holds diplomate status with the American Chiropractic Neurology Board or its predecessors shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida.

4. Payments by an insurer for medically necessary nerve conduction testing that does not meet the requirements of subparagraph 3. shall not exceed the applicable fee schedule or other payment methodology established pursuant to s. 440.13.

5. Effective upon this act becoming a law and before November 1, 2001, payments for magnetic resonance imaging services shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001. Beginning November 1, 2001, payments for magnetic resonance imaging services shall not exceed 175 percent of the allowable amount under Medicare Part B for year 2001, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida, except that payments for magnetic resonance imaging services provided in facilities accredited by the American College of Radiology or the Joint Commission on Accreditation of Healthcare Organizations shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida. This paragraph does not apply to charges for magnetic resonance imaging services and nerve conduction testing for inpatients and emergency services and nerve conduction testing for inpatients and emergency services and care as defined in chapter 395 rendered by facilities licensed under chapter 395.

(c)(b) With respect to any treatment or service, other than medical services billed by a hospital or other provider for emergency services as defined in s. 395.002 or inpatient services rendered at a hospital-owned facility, the statement of charges must be furnished to the insurer by the provider and may not include, and the insurer is not required to pay, charges for treatment or services rendered more than 35 30 days before the postmark date of the statement, except for past due amounts previously billed on a timely basis under this paragraph, and except that, if the provider submits to the insurer a notice of initiation of treatment within 21 days after its first examination or treatment of the claimant, the statement may include charges for treatment or services rendered up to, but not more than, 75 60 days before the postmark date of the statement. The injured party is not liable for, and the provider shall not bill the injured party for, charges that are unpaid because of the provider's failure to comply with this paragraph. Any agreement requiring the injured person or insured to pay for such charges is unenforceable. If, however, the insured fails to furnish the provider with the correct name and address of the insured's personal injury protection insurer, the provider has 35 days from the date the provider obtains the correct information to furnish the insurer with a statement of the charges. The insurer is not required to pay for such charges unless the provider includes with the statement documentary evidence that was provided by the insured during the 35-day period demonstrating that the provider reasonably relied on erroneous information from the insured and either:

1. A denial letter from the incorrect insurer; or
2. Proof of mailing, which may include an affidavit under penalty of perjury, reflecting timely mailing to the incorrect address or insurer.

For emergency services and care as defined in s. 395.002 rendered in a hospital emergency department or for transport and treatment rendered by an ambulance provider licensed pursuant to part III of chapter 401, the provider is not required to furnish the statement of charges within the time periods established by this paragraph; and the insurer shall not

be considered to have been furnished with notice of the amount of covered loss for purposes of paragraph (4)(b) until it receives a statement complying with paragraph (e) (5)(d), or copy thereof, which specifically identifies the place of service to be a hospital emergency department or an ambulance in accordance with billing standards recognized by the Health Care Finance Administration. Each notice of insured's rights under s. 627.7401 must include the following statement in type no smaller than 12 points:

BILLING REQUIREMENTS.—Florida Statutes provide that with respect to any treatment or services, other than certain hospital and emergency services, the statement of charges furnished to the insurer by the provider may not include, and the insurer and the injured party are not required to pay, charges for treatment or services rendered more than 35 30 days before the postmark date of the statement, except for past due amounts previously billed on a timely basis, and except that, if the provider submits to the insurer a notice of initiation of treatment within 21 days after its first examination or treatment of the claimant, the statement may include charges for treatment or services rendered up to, but not more than, 75 60 days before the postmark date of the statement.

(d)(e) Every insurer shall include a provision in its policy for personal injury protection benefits for binding arbitration of any claims dispute involving medical benefits arising between the insurer and any person providing medical services or supplies if that person has agreed to accept assignment of personal injury protection benefits. The provision shall specify that the provisions of chapter 682 relating to arbitration shall apply. The prevailing party shall be entitled to attorney's fees and costs. For purposes of the award of attorney's fees and costs, the prevailing party shall be determined as follows:

1. When the amount of personal injury protection benefits determined by arbitration exceeds the sum of the amount offered by the insurer at arbitration plus 50 percent of the difference between the amount of the claim asserted by the claimant at arbitration and the amount offered by the insurer at arbitration, the claimant is the prevailing party.
2. When the amount of personal injury protection benefits determined by arbitration is less than the sum of the amount offered by the insurer at arbitration plus 50 percent of the difference between the amount of the claim asserted by the claimant at arbitration and the amount offered by the insurer at arbitration, the insurer is the prevailing party.
3. When neither subparagraph 1. nor subparagraph 2. applies, there is no prevailing party. For purposes of this paragraph, the amount of the offer or claim at arbitration is the amount of the last written offer or claim made at least 30 days prior to the arbitration.
4. In the demand for arbitration, the party requesting arbitration must include a statement specifically identifying the issues for arbitration for each examination or treatment in dispute. The other party must subsequently issue a statement specifying any other examinations or treatment and any other issues that it intends to raise in the arbitration. The parties may amend their statements up to 30 days prior to arbitration, provided that arbitration shall be limited to those identified issues and neither party may add additional issues during arbitration.

(e)(d) All statements and bills for medical services rendered by any physician, hospital, clinic, or other person or institution shall be submitted to the insurer on a Health Care Finance Administration 1500 form, UB 92 forms, or any other standard form approved by the department for purposes of this paragraph. All billings for such services shall, to the extent applicable, follow the Physicians' Current Procedural Terminology (CPT) in the year in which services are rendered. No statement of medical services may include charges for medical services of a person or entity that performed such services without possessing the valid licenses required to perform such services. For purposes of paragraph (4)(b), an insurer shall not be considered to have been furnished with notice of the amount of covered loss or medical bills due unless the statements or bills comply with this paragraph.

(6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.—

(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal

injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, dates, and costs of such treatment of the injured person *and why the items identified by the insurer were reasonable in amount and medically necessary*, together with a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained and identifying which portion of the expenses for such treatment or services was incurred as a result of such bodily injury, and produce forthwith, and permit the inspection and copying of, his or her or its records regarding such history, condition, treatment, dates, and costs of treatment; *provided that this shall not limit the introduction of evidence at trial*. Such sworn statement shall read as follows: "Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief." No cause of action for violation of the physician-patient privilege or invasion of the right of privacy shall be permitted against any physician, hospital, clinic, or other medical institution complying with the provisions of this section. The person requesting such records and such sworn statement shall pay all reasonable costs connected therewith. If an insurer makes a written request for documentation *or information* under this paragraph within 30 ~~20~~ days after having received notice of the amount of a covered loss under paragraph (4)(a), *the amount or the partial amount which is the subject of the insurer's inquiry shall become overdue if the insurer does not pay the insurer shall pay the amount or partial amount of covered loss to which such documentation relates* in accordance with paragraph (4)(b) or within 10 days after the insurer's receipt of the requested documentation *or information*, whichever occurs later. For purposes of this paragraph, the term "receipt" includes, but is not limited to, inspection and copying pursuant to this paragraph. *Any insurer that requests documentation or information pertaining to reasonableness of charges or medical necessity under this paragraph without a reasonable basis for such requests as a general business practice is engaging in an unfair trade practice under the insurance code.*

(7) MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON; REPORTS.—

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon the request of an insurer, submit to mental or physical examination by a physician or physicians. The costs of any examinations requested by an insurer shall be borne entirely by the insurer. Such examination shall be conducted within the municipality where the insured is receiving treatment, or in a location reasonably accessible to the insured, which, for purposes of this paragraph, means any location within the municipality in which the insured resides, or any location within 10 miles by road of the insured's residence, provided such location is within the county in which the insured resides. If the examination is to be conducted in a location reasonably accessible to the insured, and if there is no qualified physician to conduct the examination in a location reasonably accessible to the insured, then such examination shall be conducted in an area of the closest proximity to the insured's residence. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits. An insurer may not withdraw payment of a treating physician without the consent of the injured person covered by the personal injury protection, unless the insurer first obtains a *valid* report by a physician licensed under the same chapter as the treating physician whose treatment authorization is sought to be withdrawn, stating that treatment was not reasonable, related, or necessary. *A valid report is one that is prepared and signed by the physician examining the injured person or reviewing the treatment records of the injured person and is factually supported by the examination and treatment records if reviewed and that has not been modified by anyone other than the physician. The physician preparing the report must be in active practice, unless the physician is physically disabled. Active practice means that during the 3 years immediately preceding the date of the physical examination or review of the treatment records the physician must have devoted professional time to the active clinical practice of evaluation, diagnosis, or treatment of medical conditions or to the instruction of students in an accredited health professional school or accredited residency program or a clinical research program that is affili-*

ated with an accredited health professional school or teaching hospital or accredited residency program.

(b) If requested by the person examined, a party causing an examination to be made shall deliver to him or her a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out the examining physician's findings and conclusions in detail. After such request and delivery, the party causing the examination to be made is entitled, upon request, to receive from the person examined every written report available to him or her or his or her representative concerning any examination, previously or thereafter made, of the same mental or physical condition. By requesting and obtaining a report of the examination so ordered, or by taking the deposition of the examiner, the person examined waives any privilege he or she may have, in relation to the claim for benefits, regarding the testimony of every other person who has examined, or may thereafter examine, him or her in respect to the same mental or physical condition. If a person unreasonably refuses to submit to an examination, the personal injury protection carrier is no longer liable for subsequent personal injury protection benefits.

(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY'S FEES.—With respect to any dispute under the provisions of ss. 627.730-627.7405 between the insured and the insurer, *or between an assignee of an insured's rights and the insurer*, the provisions of s. 627.428 shall apply, *except as provided in subsection (11)*.

(11) DEMAND LETTER.—

(a) *As a condition precedent to filing any action for an overdue claim for benefits under paragraph (4)(b), the insurer must be provided with written notice of an intent to initiate litigation; provided, however, that, except with regard to a claim or amended claim or judgment for interest only which was not paid or was incorrectly calculated, such notice is not required for an overdue claim that the insurer has denied or reduced, nor is such notice required if the insurer has been provided documentation or information at the insurer's request pursuant to subsection (6). Such notice may not be sent until the claim is overdue, including any additional time the insurer has to pay the claim pursuant to paragraph (4)(b).*

(b) *The notice required shall state that it is a "demand letter under s. 627.736(11)" and shall state with specificity:*

1. *The name of the insured upon which such benefits are being sought.*

2. *The claim number or policy number upon which such claim was originally submitted to the insurer.*

3. *To the extent applicable, the name of any medical provider who rendered to an insured the treatment, services, accommodations, or supplies that form the basis of such claim; and an itemized statement specifying each exact amount, the date of treatment, service, or accommodation, and the type of benefit claimed to be due. A completed Health Care Finance Administration 1500 form, UB 92, or successor forms approved by the Secretary of the U.S. Department of Health and Human Services may be used as the itemized statement.*

(c) *Each notice required by this section must be delivered to the insurer by U.S. certified or registered mail, return receipt requested. Such postal costs shall be reimbursed by the insurer if so requested by the provider in the notice, when the insurer pays the overdue claim. Such notice must be sent to the person and address specified by the insurer for the purposes of receiving notices under this section, on the document denying or reducing the amount asserted by the filer to be overdue. Each licensed insurer, whether domestic, foreign, or alien, may file with the department designation of the name and address of the person to whom notices pursuant to this section shall be sent when such document does not specify the name and address to whom the notices under this section are to be sent or when there is no such document. The name and address on file with the department pursuant to s. 624.422 shall be deemed the authorized representative to accept notice pursuant to this section in the event no other designation has been made.*

(d) *If, within 7 business days after receipt of notice by the insurer, the overdue claim specified in the notice is paid by the insurer together with applicable interest and a penalty of 10 percent of the overdue amount paid by the insurer, subject to a maximum penalty of \$250, no action for nonpayment or late payment may be brought against the insurer. To the*

extent the insurer determines not to pay the overdue amount, the penalty shall not be payable in any action for nonpayment or late payment. For purposes of this subsection, payment shall be treated as being made on the date a draft or other valid instrument that is equivalent to payment is placed in the United States mail in a properly addressed, postpaid envelope, or if not so posted, on the date of delivery. The insurer shall not be obligated to pay any attorney's fees if the insurer pays the claim within the time prescribed by this subsection.

(e) The applicable statute of limitation for an action under this section shall be tolled for a period of 15 business days by the mailing of the notice required by this subsection.

(f) Any insurer making a general business practice of not paying valid claims until receipt of the notice required by this section is engaging in an unfair trade practice under the insurance code.

(12) CIVIL ACTION FOR INSURANCE FRAUD.—An insurer shall have a cause of action against any person convicted of, or who, regardless of adjudication of guilt, pleads guilty or nolo contendere to insurance fraud under s. 817.234, patient brokering under s. 817.505, or kickbacks under s. 456.054, associated with a claim for personal injury protection benefits in accordance with s. 627.736. An insurer prevailing in an action brought under this subsection may recover compensatory, consequential, and punitive damages subject to the requirements and limitations of part II of chapter 768, and attorney's fees and costs incurred in litigating a cause of action against any person convicted of, or who, regardless of adjudication of guilt, pleads guilty or nolo contendere to insurance fraud under s. 817.234, patient brokering under s. 817.505, or kickbacks under s. 456.054, associated with a claim for personal injury protection benefits in accordance with s. 627.736.

Section 7. Effective October 1, 2001, subsections (8) and (9) of section 817.234, Florida Statutes, are amended to read:

817.234 False and fraudulent insurance claims.—

(8) It is unlawful for any person, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association, to solicit or cause to be solicited any business from a person involved in a motor vehicle accident by any means of communication other than advertising directed to the public in or about city receiving hospitals, city and county receiving hospitals, county hospitals, justice courts, or municipal courts; in any public institution; in any public place; upon any public street or highway; in or about private hospitals, sanitariums, or any private institution; or upon private property of any character whatsoever for the purpose of making motor vehicle tort claims or claims for personal injury protection benefits required by s. 627.736. Charges for any services rendered by a health care provider or attorney who violates this subsection in regard to the person for whom such services were rendered are noncompensable and unenforceable as a matter of law. Any person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) It is unlawful for any attorney to solicit any business relating to the representation of a person involved in a motor vehicle accident for the purpose of filing a motor vehicle tort claim or a claim for personal injury protection benefits required by s. 627.736. The solicitation by advertising of any business by an attorney relating to the representation of a person injured in a specific motor vehicle accident is prohibited by this section. Any attorney who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Whenever any circuit or special grievance committee acting under the jurisdiction of the Supreme Court finds probable cause to believe that an attorney is guilty of a violation of this section, such committee shall forward to the appropriate state attorney a copy of the finding of probable cause and the report being filed in the matter. This section shall not be interpreted to prohibit advertising by attorneys which does not entail a solicitation as described in this subsection and which is permitted by the rules regulating The Florida Bar as promulgated by the Florida Supreme Court.

Section 8. Effective October 1, 2001, paragraphs (c), (e), 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
(c) LEVEL 3		
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
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.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in fire-fighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234(8) & (9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
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).	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
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.	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
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.	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.	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).
944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.	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.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.	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.
985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).	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.
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.	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.
316.1935(4)	2nd	Aggravated fleeing or eluding.	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).
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.			(g) LEVEL 7
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
790.01(2)	3rd	Carrying a concealed firearm.	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
790.162	2nd	Threat to throw or discharge destructive device.	409.920(2)	3rd	Medicaid provider fraud.
790.163	2nd	False report of deadly explosive.	456.065(2)	3rd	Practicing a health care profession without a license.
790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.	458.327(1)	3rd	Practicing medicine without a license.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.	459.013(1)	3rd	Practicing osteopathic medicine without a license.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.	460.411(1)	3rd	Practicing chiropractic medicine without a license.
800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.	461.012(1)	3rd	Practicing podiatric medicine without a license.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	462.17	3rd	Practicing naturopathy without a license.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.			
812.131(2)(b)	3rd	Robbery by sudden snatching.			
812.16(2)	3rd	Owning, operating, or conducting a chop shop.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
463.015(1)	3rd	Practicing optometry without a license.	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
464.016(1)	3rd	Practicing nursing without a license.			
465.015(2)	3rd	Practicing pharmacy without a license.	796.03	2nd	Procuring any person under 16 years for prostitution.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.			
467.201	3rd	Practicing midwifery without a license.	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
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.			
484.053	3rd	Dispensing hearing aids without a license.	810.02(3)(a)	2nd	Burglary of occupied 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)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
			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; 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.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	812.131(2)(a)	2nd	Robbery by sudden snatching.
			812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	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)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	872.06	2nd	Abuse of a dead human body.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	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.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	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.
784.081(1)	1st	Aggravated battery on specified official or employee.			
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.			
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.

Florida Statute	Felony Degree	Description
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
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 9. Subsection (1) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) MOTOR VEHICLE.—Every self-propelled vehicle which is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any bicycle or moped. However, the term “motor vehicle” shall not include any motor vehicle as defined in s. 627.732(3) ~~s. 627.732(4)~~ when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

Section 10. *The sum of \$100,000 is appropriated from the registration fees collected from clinics pursuant to section 456.0375, Florida Statutes, to the Department of Health and one-half of one full-time-equivalent position is authorized for the purposes of regulating medical clinics pursuant to section 456.0375, Florida Statutes. These funds shall be deposited into the Medical Quality Assurance Trust Fund.*

Section 11. (1) Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

(2) Paragraphs (1)(a), (4)(b) and (c), and (7)(a) of s. 627.736, Florida Statutes, as amended by section 5 of this act, and the deletion of paragraph (4)(f) and redesignation of paragraph (4)(g) as (4)(f) by section 5 of this act shall apply to policies issued new or renewed on or after October 1, 2001.

(3) Paragraphs (5)(b) and (c) and subsection (6) of section 627.736, Florida Statutes, as amended by this act and subsection (11) of section 627.736, Florida Statutes, shall apply to treatment and services occurring on or after October 1, 2001, except that subsection (11) of section 627.736, Florida Statutes, shall apply to actions filed on or after the effective date of this act with regard to a claim or amended claim or judgment for interest only which was not paid or was incorrectly calculated.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to insurance; providing legislative findings; amending s. 119.10, F.S.; providing a criminal penalty for use of certain report information for commercial solicitation; creating s. 456.0375, F.S.; defining the term “clinic”; imposing registration requirements for certain clinics; providing for medical directors or clinical directors; providing duties and responsibilities of medical directors or clinical directors; authorizing the Department of Health to adopt rules for certain purposes; providing for enforcement; providing penalties; amending s. 626.989, F.S.; clarifying immunity from civil actions provisions; amending s. 627.732, F.S.; defining the terms “broker” and “medically necessary”; amending s. 627.736, F.S.; revising provisions relating to personal injury protection benefits; revising provisions relating to interest on overdue claims; revising provisions for charges and payments for certain treatments; removing provisions specifying the use of medical payments insurance; making certain charges by a broker noncompensable; providing for a demand letter; providing demand letter requirements; providing for civil actions against certain persons; amending s. 817.234, F.S.; prohibiting solicitation of specific persons involved in motor vehicle crashes; specifying certain charges as unlawful and unenforceable; amending s. 921.0022, F.S.; ranking certain criminal offenses specified in that section; amending s. 324.021, F.S.; correcting a cross-reference; providing an appropriation; providing effective dates.

Senator Campbell moved the following amendments to **Amendment 2** which were adopted:

Amendment 2A (472602)—On page 2, line 11, delete “*motor vehicle tort*” and insert: *no-fault law*

Amendment 2B (130920)—On page 9, line 2, after the period (.) insert: *The term “broker” does not include a person or entity that certifies, upon request of an insurer, that:*

(a) *It is a clinic registered under s. 456.0375;*

(b) *It is a 100-percent owner of medical equipment; and*

(c) *The owner’s only part-time lease of medical equipment for personal injury protection patients is on a temporary basis not to exceed 30 days in a 12-month period, and such lease is solely for the purposes of necessary repair or maintenance of the 100-percent-owned medical equipment, or for patients for whom, because of physical size or claustrophobia, it is determined by the medical director or clinical director to be medically necessary that the test be performed in medical equipment that is open-style. The leased medical equipment cannot be used by patients who are not patients of the registered clinic for medical treatment of services. Any person or entity making a false certification under this subsection commits insurance fraud as defined in s. 817.234.*

Amendment 2C (745482)—On page 13, line 19, delete the words “include with” and insert: *provide at the time of*

Amendment 2D (721354)—On page 17, line 4 through page 18, line 9, delete those lines and insert:

3. *Allowable amounts that may be charged to a personal injury protection insurance insurer and insured for medically necessary nerve conduction testing when done in conjunction with a needle electromyography procedure and both are performed and billed solely by a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461 who is also certified by the American Board of Electrodiagnostic Medicine or by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association or who holds diplomate status with the American Chiropractic Neurology Board or its predecessors shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida.*

4. *Allowable amounts that may be charged to a personal injury protection insurance insurer and insured for medically necessary nerve conduction testing that does not meet the requirements of subparagraph 3. shall not exceed the applicable fee schedule or other payment methodology established pursuant to s. 440.13.*

5. *Effective upon this act becoming a law and before November 1, 2001, allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging ser-*

vices shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered. Beginning November 1, 2001, allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services shall not exceed 175 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida, except that allowable amounts that may be charged to a personal injury protection insurance insurer and insured for magnetic resonance imaging services provided in facilities accredited by the American College of Radiology or the Joint Commission on Accreditation of Healthcare Organizations shall not exceed 200 percent of the allowable amount under Medicare Part B for year 2001, for the area in which the treatment was rendered, adjusted annually by an additional amount equal to the medical Consumer Price Index for Florida. This paragraph does not apply to charges for magnetic resonance imaging services and nerve conduction testing for inpatients and emergency services and care as defined in chapter 395 rendered by facilities licensed under chapter 395.

Amendment 2E (725240)—On page 45, line 18-24, delete those lines and insert:

(2) Paragraphs (1)(a), and (c), and (7)(a) of section 627.736, Florida Statutes, as amended by section 6 of this act, and the deletion of paragraph (4)(f) and redesignation of paragraph (4)(g) as (4)(f) by section 6 of this act shall apply to policies issued new or renewed on or after October 1, 2001.

(3) Paragraphs (4)(b), (5)(b) and (c) and subsection (6) of

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 1092** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 1958—A bill to be entitled An act relating to public records exemptions; amending s. 440.45, F.S.; exempting from public record requirements certain information obtained by the Division of Administrative Hearings in investigating complaints against judges of compensation claims; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under certain conditions; 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, **SB 1958** was placed on the calendar of Bills on Third Reading.

SB 2126—A bill to be entitled An act relating to filings administered by the Department of State; providing legislative findings and intent; amending s. 679.401, F.S.; prescribing places of filing for secured transactions; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the Department of State; prescribing standards for the registry; 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 Garcia:

Amendment 1 (382074)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Legislative intent.*—

(1) *The Legislature has found that it is in the best interest of the people and businesses in the state to adopt Revised Article 9 of the Uniform Commercial Code as proposed by the National Conference of Commissioners on Uniform State Law, subject to certain modifications. Revised Article 9 (chapter 679, Florida Statutes) almost exclusively affects secured transactions and the relationships among secured creditors,*

debtors, or other creditors, and purchasers of personal property subject to a security interest. Both individuals and business entities are intended to benefit from the enactment of Revised Article 9.

(2) *Revised Article 9 is intended to create a more straightforward and efficient system for documenting the perfection, amendment, continuation, termination, assignment, and transfer of security interests, requiring less governmental involvement than that which is necessary under existing law. Under Revised Article 9, states may delegate their historical administrative and operational responsibilities over financing-statement filings to a nongovernmental entity. This principle accords with the Legislature's policy of reducing government's detailed regulation and involvement with private commerce and business transactions. Consistent with other revisions to current chapter 679, Florida Statutes, adopted by this act, the requirement for exclusive administration and operations by the state of the system of filing and maintaining documents evidencing secured transactions no longer exists. However, the fulfillment of the duties of the filing office and filing officer remain essential to the uninterrupted flow of secured transactions, and the State of Florida retains ownership of all records filed and maintained under chapter 679, Florida Statutes, and databases evidencing such documents, and the Secretary of State retains governmental oversight over the private filing agency to which the filing office's and filing officer's duties under Revised Article 9 are transferred. The Legislature, therefore, enacts this act as part of chapter 679, Florida Statutes.*

Section 2. Subsections (1) and (5) of section 679.401, Florida Statutes, are amended to read:

679.401 Place of filing; erroneous filing; removal of collateral.—

(1) The proper place to file in order to perfect a security interest is as follows:

(a) If the collateral is farm products, or accounts, or general intangibles arising from or relating to the sale of farm products by a farmer, by recording:

1. In the office of the clerk of the circuit court in the county of the debtor's place of business if he or she has one, in the county of the debtor's chief executive office if he or she has more than one place of business, otherwise in the county of the debtor's residence; or

2. If the debtor is not a resident of this state, in the office of the clerk of the circuit court in the county where the collateral is located; and

3. In addition, if the collateral is crops, in the office of the clerk of the circuit court in the county where the land is located on which the crops are growing or to be grown.

(b) When the collateral is timber to be cut or is minerals or the like (including oil and gas) or is accounts subject to s. 679.103(5) or is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded.

(c) In all other cases, by filing *under the Florida Secured Transaction Registry in the office of the Department of State.*

(5) Notwithstanding the preceding subsections, and subject to s. 679.302(3), the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is *under the Florida Secured Transaction Registry the office of the Department of State.*

Section 3. Section 679.4015, Florida Statutes, is created to read:

679.4015 *Florida Secured Transaction Registry.*—

(1) *The Florida Secured Transaction Registry is the centralized database in which all initial financing statements, amendments, assignments, and other statements of change authorized to be filed under this chapter are filed and maintained and from which they are retrieved. The Florida Secured Transaction Registry shall include the date and other information pertaining to Uniform Commercial Code Records filed with the Secretary of State and effective under this chapter before October 1, 2001, or filed with the Secretary of State or with the private filing agency or UCC filing agent as authorized in this section after October 1, 2001. Consistent with s. 679.401, this section does not apply to initial financing statements, amendments, assignments, and other statements of change filed under this chapter with an office of the clerk of the circuit court.*

(2) Except as otherwise provided in this section, the duties of the filing office and filing officer under this chapter may be performed by an entity that is qualified to transact business in this state (the private filing agency) and that has entered into a written contract with the Department of State satisfying the minimum requirements provided in this section. The private filing agency, among its other duties conferred by contract or this part, shall have the responsibility for acting as the filing office under this chapter and overseeing the continued existence and maintenance of the Florida Secured Transaction Registry.

(3) The Secretary of State, or the private filing agency if authorized by the Secretary of State in the contract or another writing, may enter into a separate contract approved by the Secretary of State and satisfying the minimum requirements provided in this section with another entity qualified to transact business in this state (the UCC filing agent) for the purpose of physically performing the filing officer's duties under this part. However, the private filing agency, unless displaced by the Secretary of State or a subsequent private filing agency, shall remain the filing office under this chapter.

(4) Upon the effective date of the contract with the private filing agency or on October 31, 2001, whichever is later, the Secretary of State and the Department of State, respectively, shall cease acting as the filing officer and filing office under this part, although the Secretary of State shall retain authority and powers as otherwise provided in this section or by other applicable law.

(5) The Secretary of State shall immediately develop and issue a request for qualifications seeking qualified entities to perform the duties of the private filing agency and UCC filing agent under this part. The qualifications and any contract must, at a minimum, require:

(a) The creation and maintenance of a central filing, recording, retrieval, and response system as part of the Florida Secured Transaction Registry which is capable of satisfying the filing-officer and filing-office requirements under this chapter, which system must be comparable and compatible with the filing system in existence immediately prior to the effective date of this section to the fullest extent possible as determined by the Secretary of State.

(b) Continuous and easy access by the public, including review at no charge through the Internet or such other substitute medium as is acceptable to the Secretary of State, of all UCC records filed and maintained by the Department of State under this chapter as of the effective date of this section and of all UCC records filed and maintained after the effective date of this section, subject to any requirements or limitations of chapter 119 and this chapter.

(c) Record maintenance in compliance with this part and chapter 119.

(d) Oversight by the Secretary of State, including compliance audits of the performance standards described in subsection (7).

(e) Maintenance of the current level of filing fees and procedures for the deposit of revenues, net of operating costs, consistent with chapter 15.

(f) A bond by the private filing agency and UCC filing agent in an amount acceptable to the Secretary of State.

(6) Except as otherwise provided in a contract approved by the Secretary of State, the private filing agency and UCC filing agent are not liable to any person harmed by their failure to comply with the filing-officer or filing-office requirements under this chapter unless such failure is due to specific acts or omissions done recklessly or committed knowingly and with malicious intent, and then only to the extent that such acts or omissions directly and proximately cause ascertainable damages.

(7) The Secretary of State shall develop performance standards to ensure that the Florida Secured Transaction Registry and its central filing system implemented and maintained by the private filing agency or UCC filing agent are accurate and complete and that the system implemented and maintained satisfies the responsibilities of the filing office and filing officer under this chapter and meets the needs of various persons and entities using or affected by the filing system.

(8) Any contract between the Secretary of State and the private filing agency or UCC filing agent or between the private filing agency and the UCC filing agent is not assignable, absolutely or for security, or otherwise

transferable without the express written consent of the Secretary of State, which consent may be withheld in his or her sole and absolute discretion.

(9) The Secretary of State shall, as soon as practicable, either assume temporarily or permanently the duties of the filing office and filing officer under this chapter or assign the duties of the filing office and filing officer under this chapter to a new private filing agency or UCC filing agent, as applicable, which meets the requirements of this section and which enters into a new contract with the Secretary of State satisfying the requirements of this section:

(a) If:

1. A private filing agency or UCC filing agent has not been approved by the Secretary of State and a contract required by this section has not been executed;

2. The private filing agency or UCC filing agent ceases, is unable, or fails to perform the duties of the filing office or filing officer which are required under this chapter or which are provided for in any contract, as determined by the Secretary of State in accordance with the terms of the contract; or

3. An assignee for the benefit of creditors is appointed for the private filing agency or UCC filing agent or its assets or a receiver is appointed for the private filing agency or UCC filing agent or its assets other than by the Secretary of State; and

(b) Notwithstanding:

1. That a bankruptcy case or other insolvency proceeding has been commenced by the private filing agency or UCC filing agent; or

2. That an involuntary bankruptcy case or other insolvency proceeding has been commenced against the private filing agency or UCC filing agent and the case or proceeding has not been dismissed within 5 business days after the petition's filing.

(10) Immediately upon the occurrence of an event described in subsection (9)(a)1. or 3. or (b), any rights of the private filing agency or UCC filing agent, as applicable, pertaining to the contract or otherwise with respect to this chapter shall terminate without any further action being required. Upon the occurrence of an event described in subsection (9)(a)2., any rights of the private filing agency or UCC filing agent, as applicable, pertaining to the contract or otherwise with respect to this chapter may terminate, in the discretion of the Secretary of State, upon written notice to the private filing agency or UCC filing agent.

(11) If required by the Secretary of State, any contract with the private filing agency or UCC filing agent entered into pursuant to this section must provide that any exclusive rights of the private filing agency and UCC filing agent terminate automatically without further action upon any default under the contract, even if the default is capable of being cured under law.

(12) The Florida Secured Transaction Registry; databases, source or object codes, and any software relating to the Florida Secured Transaction Registry and system for central filing under this part and all information contained in any of the foregoing; all documents and records, in whatever form or medium, filed with, created by, or maintained by the private filing agency or UCC filing agent under this chapter, including all UCC records and any other records or documents relating to the UCC records, in whatever form or medium, whether existing prior to the effective date of this section or thereafter (collectively, the UCC filing office materials and records), shall be and remain the sole and exclusive property of the state, and upon demand the originals and all copies are subject to immediate return by the private filing agency or UCC filing agent, as applicable, to the Secretary of State upon the occurrence of any of the events enumerated in subsection (9). The Secretary of State also has the right to inspect at any time and make copies of the UCC filing office materials and records, and the cost shall be borne as provided in the contracts with or approved by the Secretary of State. Neither the private filing agency nor UCC filing agent shall have or acquire any rights in the Florida Secured Transaction Registry or the UCC filing office materials and records, and neither of them may sell, license, lease, donate, copyright, patent, trademark, pledge, or otherwise transfer any of the UCC filing office materials and records to any person or entity, except as authorized in writing by the Secretary of State.

(13) To the extent permitted by its contract with the Secretary of State and provided that the procedures for certification required by the Secretary of State are complied with, the private filing agency and UCC filing agent are authorized to certify any of the UCC records for purposes of admissibility in a state or federal court or other tribunal proceeding, upon request by a authenticated record and payment of a service charge in the amount permitted in the contract with the private filing agency and UCC filing agent, as applicable. Such certified record constitutes a public record under s. 90.803(8).

(14) The private filing agency and UCC filing agent are subject to the exclusive original jurisdiction of the Circuit Court of Leon County for any litigation between or among the Secretary of State, the private filing agency, and the UCC filing agent. The Secretary of State is entitled to emergency injunctive relief if the private filing agency or UCC filing agent or its agents or employees fail to turn over any of the UCC filing office materials and records or otherwise fail to comply with their contracts or with the filing officer's or filing office's duties under this part.

(15) As used in this part in this connection with carrying out the filing office's and filing officer's duties assigned to them under this chapter, the terms "Florida Secretary of State," "Secretary of State," or "Secretary" also refer to the private filing agency or UCC filing agent, as applicable.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to filings administered by the Department of State; providing legislative findings and intent; amending s. 679.401, F.S.; prescribing methods for filing security interests; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the Department of State and Secretary of State; prescribing standards for the registry; providing powers and duties of contracting entities performing services with respect to the registry; providing an effective date.

The Committee on Governmental Oversight and Productivity recommended the following amendment to **Amendment 1** which was moved by Senator Garcia and failed:

Amendment 1A (230420)—On page 6, between lines 22 and 23, insert:

(7) Pursuant to chapter 287, the Secretary of State has the authority to determine and select the most qualified respondents to the request for qualifications as the private filing agency or UCC filing agent under this section and to negotiate and enter into one or more contracts as provided in this section.

(Redesignate subsequent sections.)

The Committee on Appropriations recommended the following amendments to **Amendment 1** which were moved by Senator Garcia and failed:

Amendment 1B (594068)(with title amendment)—On page 10, after line 20, insert:

Section 4. Section 285.20, Florida Statutes, is created to read:

285.20 Tribal Secured Transactions Filing Offices.--

(1) If the respective governing bodies of the Seminole Tribe of Florida or the Miccosukee Tribe of Indians shall adopt or enact a law or ordinance governing secured transactions arising within or relating to the reservation of such tribe in this state, and if such tribal law or ordinance authorizes financing statements and other records relating to secured transactions to be filed:

(a) with the Department of State or such other central filing office as may be established from time to time under the Uniform Commercial Code of this state, then the Department of State or other central filing office, including any private secured transaction registry that may be designated as such in this state, shall accept and process such filings made under the tribal secured transactions law in accordance with this section and the provisions of chapter 679; and

(b) with the office of the clerk of circuit court in any county of this state in which the tribal secured transactions law requires a local filing, then

such county filing office shall accept and process such filings made under such tribal law in accordance with this section and the provisions of chapter 28.

(2) The filing office shall not be required to accept any financing statements or other records communicated for filing under a tribal secured transactions law unless they satisfy the same filing requirements then applicable to financing statements and other records communicated to that filing office under the Uniform Commercial Code of this state, including the payment of the same filing, processing or recording charges or fees then charged by that filing office for filing or recording comparable financing statements and other records under the Uniform Commercial Code of this state.

(3) The filing office shall maintain and index its records of all financing statements or other records filing with that filing office under the tribal secured transactions law together with and in the same manner as its records of financing statements and other records filed under the Uniform Commercial Code of this state. The filing office shall not be required to record or index separately, or otherwise segregate in any manner, any such filings made under the tribal secured transactions law from other filings made under the Uniform Commercial Code of this state. In all respects the filing office shall have the same duties and responsibilities with respect to filings made under the tribal secured transactions law as with respect to filings made under the Uniform Commercial Code of this state.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 10, after the semicolon (;) insert: creating s. 285.20, F.S.; establishing the Tribal Secured Transaction Filing Offices;

Amendment 1C (323408)—In title, on page 10, line 31 and on page 11, line 1, delete those lines and insert: An act relating to the Department of State; providing legislative

The question recurred on **Amendment 1** which failed.

On motion by Senator Garcia, further consideration of **SB 2126** was deferred.

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

CS for SB 1926—A bill to be entitled An act relating to workers' compensation; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in the definition of the term "casual"; excluding certain sports officials from the definition of the term "employee"; excluding work done by state prisoners and county inmates from the definition of employment; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for electronic payment of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring the employee to provide information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as the "response to petition"; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit

under certain circumstances; providing procedural guidelines for a carrier that is uncertain of its obligations to provide benefits or compensation; waiving hearing requirements under certain circumstances; revising the period for payment; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report in certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge of Compensation Claims; amending s. 440.34, F.S.; providing for a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; conforming cross-references; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring legislative approval before modifying the number or location of the judges or mediators; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; revising Judicial Code of Conduct requirements; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; eliminating injury report; revising reporting requirements; transferring reporting responsibilities from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.593, F.S., providing enforcement authority relating to electronic reporting; amending s. 61.14, F.S.; requiring judges of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child-support arrearage from those settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 489.114, 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115, 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.311, F.S.; providing for use of policyholder surplus for purposes of funding certain deficits; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—which was previously considered and amended this day.

Pending further consideration of **CS for SB 1926** as amended, on motion by Senator King, by two-thirds vote **CS for HB 1803** was withdrawn from the Committees on Banking and Insurance; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for HB 1803—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating

commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—a companion measure, was substituted for **CS for SB 1926** as amended and by two-thirds vote read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (624680)(with title amendment)—On page 45, line 21 through page 46, line 6, delete Section 20 and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 20-23, delete those lines and insert: the Deputy Chief Judge; amending s.

Amendment 2 (841526)—On page 63, line 28, delete "440.192(2)"

Amendment 3 (884646)—On page 39, lines 2, 7, 10, and 14, delete "Deputy Chief Judge" and insert: *Director of the Division of Administrative Hearings* Chief Judge

Amendment 4 (105312)—On page 36, lines 28-31, delete those lines and insert:

(d) *With respect to any lump-sum settlement under this subsection, a judge of compensation must consider at the time of the settlement, whether the settlement allocation provides for the appropriate recovery of child support arrearages.*

Senator Holzendorf moved the following amendment which was adopted:

Amendment 5 (175950)—On page 47, line 6, after "petition" insert: *denying benefits*

Pursuant to Rule 4.19, **CS for HB 1803** as amended was placed on the calendar of Bills on Third Reading.

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

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

382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the department to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; revising provisions relating to pharmacy wholesaler permits; amending s. 742.10, F.S.; requiring a voluntary acknowledgement of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 383.14, F.S.; specifying that screenings for specified medical disorders must be performed by the state Public Health Laboratory; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of applicants for licensure, certification, or registration; amending s. 509.049, F.S.; revising provisions relating to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (874776)** by Senator Silver was withdrawn.

Senator Saunders moved the following amendments which were adopted:

Amendment 2 (833208)(with title amendment)—On page 35, delete line 23 and insert:

Section 26. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 3, delete line 6 and insert: providing effective dates.

Amendment 3 (532064)—On page 33, line 3, before "Subsection (1)" insert: *Effective June 1, 2001,*

Pursuant to Rule 4.19, **CS for CS for SB 1312** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 1458—A bill to be entitled An act relating to public records; creating s. 631.195, F.S.; exempting certain records that come into the possession of the Department of Insurance pursuant to insurer receiver-ship proceedings from inspection or disclosure as public records in order to protect the privacy interests of insureds; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1458** was placed on the calendar of Bills on Third Reading.

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

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.

—which was previously considered this day.

Senators Silver, Klein, Jones, Pruitt, Horne and Wasserman Schultz offered the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (735672)—On page 3, line 9-11, delete those lines and insert: *act are not subject to refund.*

The vote was:

Yeas—23

Brown-Waite	Dyer	Latvala	Saunders
Burt	Geller	Lawson	Silver
Carlton	Holzendorf	Meek	Smith
Clary	Horne	Miller	Villalobos
Cowin	Jones	Mitchell	Wasserman Schultz
Dawson	Klein	Pruitt	

Nays—14

Mr. President	Diaz de la Portilla	Lee	Sebesta
Bronson	Garcia	Peaden	Webster
Campbell	King	Posey	
Constantine	Laurent	Sanderson	

Vote after roll call:

Nay—Crist

Pursuant to Rule 4.19, **CS for SB 1542** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1560—A bill to be entitled An act relating to the Department of Environmental Protection; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring that the Department of Environmental Protection, the State Technology Office, and the Department of State submit a joint report on the cost-effectiveness of publication of such notices on the Internet; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Peaden moved the following amendment:

Amendment 1 (153700)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 120.551, Florida Statutes, is created to read:

120.551 Internet publication pilot project.—

(1) *On or before December 31, 2001, the Department of Environmental Protection and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the Florida Administrative Weekly. The pilot project shall end on July 1, 2003. Under this pilot project, notwithstanding any other provision of law, whenever the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the Department of Environmental Protection instead may publish a summary of such*

notice in the Florida Administrative Weekly along with the specific URL or Internet address where the complete notice required by law shall be published. The Department of Environmental Protection shall publish all other notices in the manner prescribed by law. Notices published on the Internet under this section shall clearly state the date the notice was first posted on the Internet and shall be initially posted only on the same days the Florida Administrative Weekly is published. Notices related to rulemaking published on the Internet under this provision shall be maintained on the Internet for a period of at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet under this provision shall be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records shall also be established by the pilot project. No notice posted on the Internet shall be removed until the searchable database is implemented.

(2) *The Department of State shall publish notice of this pilot project in each weekly publication of the Florida Administrative Weekly. The notice shall state: "Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost-effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the Department of Environmental Protection are being published in the Florida Administrative Weekly along with a reference to the specific Internet URL or address where the complete notice required by law shall be published."*

(3) *No later than January 31, 2003, the Department of Environmental Protection, the State Technology Office, and the Department of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing findings on the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly, and recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet.*

Section 2. Subsections (20), (21) and (22) of section 287.012, Florida Statutes, are created to read:

287.012 Definitions.—The following definitions shall apply in this part:

(20) *"Invitation to negotiate" means a written solicitation that calls for responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.*

(21) *"Request for a quote" means a solicitation that calls for pricing information for purposes of competitively selecting and procuring commodities and contractual services from qualified or registered vendors.*

(22) *"Information Technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.*

Section 3. Paragraph (d) of subsection (2) is created; paragraphs (b) and (c) of subsection (4), paragraphs (a) and (b) of subsection (5), paragraph (a) of subsection (16) and subsection (17) of section 287.042, Florida Statutes, are amended, and a new paragraph (f) of subsection (4) is created to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(2)

(d) *The terms, conditions, and specifications of a request for proposal, invitation to bid, or invitation to negotiate, including any provisions governing the methods for ranking proposals, awarding contracts, reserving rights of further negotiation, or the modification of amendment of any contract, are subject to challenge only by filing a protest within 72 hours after the notice of the terms, conditions, or specifications as provided in s. 120.57(3)(b).*

(4)

(b) Development of procedures for the releasing of requests for proposals, *requests for quotes*, invitations to bid, *invitations to negotiate*, and other competitive acquisitions which procedures shall include, but are not limited to, notice by publication in the Florida Administrative Weekly, on Government Services Direct, or by mail at least 10 days before the date set for submittal of proposals or bids. The Office of Supplier Diversity may consult with agencies regarding the development of bid distribution procedures to ensure that maximum distribution is afforded to certified minority business enterprises as defined in s. 288.703.

(c) Development of procedures for the receipt and opening of bids, *responses*, *quotes*, or proposals by an agency. Such procedures shall provide the Office of Supplier Diversity an opportunity to monitor and ensure that the contract award is consistent with the *requirements of s. 287.09451 original request for proposal or invitation to bid, in accordance with s. 287.0945(6), and subject to the review of bid responses within standard timelines.*

(f) *Development of procedures to be used by an agency for issuing invitations to bid, invitations to negotiate, requests for proposal, requests for quote, or other competitive procurement processes.*

(5)(a) To prescribe the methods of securing competitive sealed bids, *responses*, *quotes*, and proposals. *Such methods may include, but are not limited to, procedures for identifying vendors; setting qualifications; evaluating responses, bids, and proposals; ranking respondents and proposers; selecting invitees and proposers; and conducting negotiations, or negotiating and awarding commodity and contractual services contracts, unless otherwise provided by law.*

(b) To prescribe, *in consultation with the State Technology Office by September 1, 1995*, procedures for procuring *information technology and information technology consultant services* which provide for public announcement and qualification, competitive selection, competitive negotiation, contract award, and prohibition against contingent fees. Such procedures shall be limited to information technology consultant contracts for which the total project costs, or planning or study activities, are estimated to exceed the threshold amount provided for in s. 287.017, for CATEGORY TWO.

(16)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities *or* information technology ~~resources, or services~~ that can be used by multiple agencies. However, the department shall consult with the State Technology Office on joint agreements that involve the purchase of information technology ~~resources~~. Agencies entering into joint purchasing agreements with the department *or the State Technology Office* shall authorize the department *or the State Technology Office* to contract for such purchases on their behalf.

(17)(a) To evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services, and, when it is determined to be cost-effective and in the best interest of the state, to enter into a written agreement authorizing a state agency to make purchases under a contract approved by the department and let by the Federal Government, another state, or a political subdivision.

(b) *For contracts pertaining to the provision of information technology, the State Technology Office, in consultation with the department, shall assess the technological needs of a particular agency, evaluate the contracts, and determine whether to enter into a written agreement with the letting federal, state, or political subdivision body to provide information technology for a particular agency.*

Section 4. A new subsection (3) is created and subsequent subsections are renumbered, present subsections (3) and (22) are amended and subsection (23) of section 287.057, Florida Statutes, is created:

287.057 Procurement of commodities or contractual services.—

(3) *If an agency determines that the use of an invitation to bid or a request for a proposal is not practical, commodities or contractual services may be procured by an invitation to negotiate or provided by a request for a quote.*

(4)(3) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids, ~~or~~ competitive sealed proposals, *or responses to an invitation to negotiate or a request for a quote unless:*

(a) The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head makes such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. The agency shall furnish copies of the written determination certified under oath and any other documents relating to the emergency action to the department. A copy of the statement shall be furnished to the Comptroller with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the department of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported to the department.

(b) Purchasing agreements and contracts executed by the department or by agencies under authority delegated by the department in writing are excepted from bid requirements.

(c) Commodities or contractual services available only from a single source may be excepted from the bid requirements if it is determined that such commodities or services are available only from a single source and such determination is documented. However, if such contract is for an amount greater than the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall file a certification of conditions and circumstances with the department and shall obtain the prior approval of the department. The failure of the department to approve or disapprove the request of an agency for prior approval within 21 days after receiving such request or within 14 days after receiving from the agency additional materials requested by the department shall constitute prior approval of the department. To the greatest extent practicable, but no later than 45 days after authorizing the exception in writing, the department shall combine single-source procurement authorizations for identical information technology resources for which the purchase price exceeds the threshold amount provided in s. 287.017 for CATEGORY FOUR, and shall negotiate and execute volume purchasing agreements for such procurements on behalf of the agencies.

(d) When it is in the best interest of the state, the Secretary of Management Services or his or her designee may authorize the Support Program to purchase insurance by negotiation, but such purchase shall be made only under conditions most favorable to the public interest.

(e) Prescriptive assistive devices for the purpose of medical, developmental, or vocational rehabilitation of clients are excepted from competitive sealed bid and competitive sealed proposal requirements and shall be procured pursuant to an established fee schedule or by any other method which ensures the best price for the state, taking into consideration the needs of the client. Prescriptive assistive devices include, but are not limited to, prosthetics, orthotics, and wheelchairs. For purchases made pursuant to this paragraph, state agencies shall annually file with the department a description of the purchases and methods of procurement.

(f) The following contractual services and commodities are not subject to the competitive sealed bid requirements of this section:

1. Artistic services.
2. Academic program reviews.
3. Lectures by individuals.
4. Auditing services.
5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.

6. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.

7. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.

8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Agency for Health Care Administration. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the agency.

9. Family placement services.

10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.

11. Training and education services provided to injured employees pursuant to s. 440.49(1).

12. Contracts entered into pursuant to s. 337.11.

13. Services or commodities provided by governmental agencies.

(g) Continuing education events or programs that are offered to the general public and for which fees have been collected that pay all expenses associated with the event or program are exempt from competitive sealed bidding.

(22)(a) ~~The State Technology Office of the department~~ shall develop a program for on-line procurement of commodities and contractual services. *To enable the state to promote open competition and to leverage its buying power, executive state agencies shall participate in the on-line procurement program, and other agencies may participate in the program.* Only bidders prequalified as meeting mandatory requirements and qualifications criteria shall be permitted to participate in on-line procurement. The State Technology Office may contract for equipment and services necessary to develop and implement on-line procurement.

(b) The State Technology Office, *in consultation with the department, shall* may adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the program for on-line procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for pre-qualifying bidders.

2. Establishing the procedures for conducting on-line procurement.

3. Establishing the criteria for eligible commodities and contractual services.

4. Establishing the procedures for providing access to on-line procurement.

5. *Determining the criteria warranting any exceptions to participation in the on-line procurement program.*

(c) *The Department of Management Services and the State Technology Office may collect fees for the use of the on-line procurement systems. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of the Department of Management Services and the State Technology Office. For the purposes of compensating the provider, the department may authorize the provider to collect and retain a portion of the fees. The providers may withhold the portion retained from the amount of fees to be remitted to the department. The department may*

negotiate the retainage as a percentage of such fees charged to users, as a flat amount, or as any other method the department deems feasible. All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donation Trust Fund as provided by law.

(23)(a) *The State Technology Office shall establish, in consultation with the department, state strategic information technology alliances for the acquisition and use of information technology and related material with prequalified contractors or partners to provide the state with efficient, cost-effective, and advanced information technology.*

(b) *In consultation with and under contract to the State Technology Office, the state strategic information technology alliances shall design, develop, and deploy projects providing the information technology needed to collect, store, and process the state's data and information, provide connectivity, and integrate and standardize computer networks and information systems of the state.*

(c) *The partners in the state strategic information technology alliances shall be industry leaders with demonstrated experience in the public and private sectors.*

(d) *The State Technology Office, in consultation with the Department of Management Services, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the state strategic information technology alliances.*

Section 5. Section 287.0731, Florida Statutes, is amended to read:

287.0731 Team for contract negotiations.—Contingent upon funding in the General Appropriations Act, the Department of Management Services, *in consultation with the State Technology Office,* shall establish a permanent team for contract negotiations including a chief negotiator, to specialize in the procurement of information technology resources.

Section 6. Subsections (1), (2), (6), and (8) of section 288.109, Florida Statutes, are amended, subsection (10) is deleted and subsequent subsections are renumbered to read:

288.109 One-Stop Permitting System.—

(1) By January 1, 2001 ~~2000~~, the *State Technology Office* ~~Department of Management Services~~ must establish and implement an Internet site for the One-Stop Permitting System. The One-Stop Permitting System Internet site shall provide individuals and businesses with information concerning development permits; guidance on what development permits are needed for particular projects; permit requirements; and who may be contacted for more information concerning a particular development permit for a specific location. The ~~office~~ ~~department~~ shall design and construct the Internet site and may competitively procure and contract for services to develop the site. In designing and constructing the Internet site, the ~~office~~ ~~department~~ must solicit input from potential users of the site.

(2) The ~~office~~ ~~department~~ shall develop the One-Stop Permitting System Internet site to allow an applicant to complete and submit application forms for development permits to agencies and counties. The Internet site must be capable of allowing an applicant to submit payment for permit fees and must provide payment options. After initially establishing the Internet site, the ~~office~~ ~~department~~ shall implement, in the most timely manner possible, the capabilities described in this subsection. The ~~office~~ ~~department~~ shall also develop a protocol for adding to the One-Stop Permitting System additional state agencies and counties that agree to participate. The ~~office~~ ~~department~~ may competitively procure and contract for services to develop such capabilities.

(6) The ~~office~~ ~~department~~ may add counties and municipalities to the One-Stop Permitting System as such local governments agree to participate and develop the technical capability of joining the system.

(8) Section 120.60(1) shall apply to any development permit or license filed under the One-Stop Permitting System, except the 90-day time period for approving or denying a completed application shall be 60 days. In the case of permits issued by the water management districts, each completed application that does not require governing board approval must be approved or denied within 60 days after receipt. However, completed permit applications which must be considered by a water management district governing board shall be approved or denied at the next regularly scheduled meeting after the 60-day period has

expired. *The 60-day period for approving or denying a complete application does not apply in the case of a development permit application evaluated under a federally delegated or approved permitting program. However, the reviewing agency shall make a good-faith effort to act on such permit applications within 60 days.*

~~(10) Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425; and the High-Speed Rail Transportation Siting Act, ss. 341.3201-341.386.~~

Section 7. Section 288.1092, Florida Statutes, is amended to read:

288.1092 One-Stop Permitting System Grant Program.—There is created within the ~~State Technology Office~~ Department of Management Services the One-Stop Permitting System Grant Program. The purpose of the grant program is to encourage counties to coordinate and integrate the development of the county's permitting process with the One-Stop Permitting System. The ~~office department~~ shall review grant applications and, subject to available funds, if a county is certified as a Quick Permitting County under s. 288.1093, shall award a grant of up to \$50,000 to provide for such integration. The ~~office department~~ must review a grant application for consistency with the purpose of the One-Stop Permitting System to provide access to development permit information and application forms. Grants shall be issued on a first-come, first-served basis to qualified Quick Permitting Counties. The grant moneys may be used to purchase software, hardware, or consulting services necessary for the county to create an interface with the One-Stop Permitting System. Grant moneys may not be used to pay administrative costs. The grant application must specify what items or services the county intends to purchase using the grant moneys, the amount of each of the items or services to be purchased, and how the items or services are necessary for the county to create an interface with the One-Stop Permitting System.

Section 8. Section 288.1093, Florida Statutes, is amended to read:

288.1093 Quick Permitting County Designation Program.—

(1) There is established within the ~~State Technology Office~~ Department of Management Services the Quick Permitting County Designation Program. To be designated as a Quick Permitting County, the chair of the board of county commissioners of the applying county must certify to the ~~office~~ Department of Management Services that the county meets the criteria specified in subsection (3).

(2) As used in this section, the term "development permitting" includes permits and approvals necessary for the physical location of a business, including, but not limited to:

- (a) Wetland or environmental resource permits.
- (b) Surface water management permits.
- (c) Stormwater permits.
- (d) Site plan approvals.
- (e) Zoning and comprehensive plan amendments.
- (f) Building permits.
- (g) Transportation concurrency approvals.
- (h) Wastewater permits.

(3) In order to qualify for a Quick Permitting County designation, a county must certify to the ~~office department~~ that the county has implemented the following best-management practices:

- (a) The establishment of a single point of contact for a business seeking assistance in obtaining a permit;
- (b) The selection of high-priority projects for accelerated permit review;
- (c) The use of documented preapplication meetings following standard procedures;
- (d) The maintenance of an inventory of sites suitable for high-priority projects;
- (e) The development of a list of consultants who conduct business in the county;
- (f) The evaluation and elimination of duplicative approval and permitting requirements within the county;
- (g) The commitment to participate, through the entry of an interlocal agreement for individual projects, in the expedited permit process set forth in s. 403.973;
- (h) The development of a timetable for processing development permits and approvals; and
- (i) The use of interagency coordination to facilitate permit processing.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. *Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring.* The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

Section 10. Paragraph (e) of subsection (1) of section 61.1826, Florida Statutes, is amended to read:

61.1826 Procurement of services for State Disbursement Unit and the non-Title IV-D component of the State Case Registry; contracts and cooperative agreements; penalties; withholding payment.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that the clerks of court play a vital role, as essential participants in the establishment, modification, collection, and enforcement of child support, in securing the health, safety, and welfare of the children of this state. The Legislature further finds and declares that:

(e) The potential loss of substantial federal funds poses a direct and immediate threat to the health, safety, and welfare of the children and citizens of the state and constitutes an emergency for purposes of s. 287.057(4)(3)(a).

For these reasons, the Legislature hereby directs the Department of Revenue, subject to the provisions of subsection (6), to contract with the Florida Association of Court Clerks and each depository to perform duties with respect to the operation and maintenance of a State Disbursement Unit and the non-Title IV-D component of the State Case Registry as further provided by this section.

Section 11. Subsection (1) of section 287.022, Florida Statutes, is amended to read:

287.022 Purchase of insurance.—

(1) Insurance, while not a commodity, nevertheless shall be purchased for all agencies by the department, except that agencies may purchase title insurance for land acquisition and may make emergency purchases of insurance pursuant to s. 287.057(4)(3)(a). The procedures for purchasing insurance, whether the purchase is made by the department or by the agencies, shall be the same as those set forth herein for the purchase of commodities.

Section 12. Subsection (5) of section 287.058, Florida Statutes, is amended to read:

287.058 Contract document.—

(5) Unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, the Comptroller may waive the requirements of this section for services which are included in s. 287.057(4)(3)(f).

Section 13. Subsection (3) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(3) **POWER TO CONTRACT.**—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; receiving and treatment facilities; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology. Notwithstanding the provisions of s. 287.057(4)(3)(f), contracts for community-based Baker Act services for inpatient, crisis stabilization, short-term residential treatment, and screening provided under this part, other than those with other units of government, to be provided for the department must be awarded using competitive sealed bids when the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district shall not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids will be effective for 3 years. Services contracted for by the department may be reimbursed by the state at a rate up to 100 percent. The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

Section 14. Paragraph (a) of subsection (1) of section 394.47865, Florida Statutes, is amended to read:

394.47865 South Florida State Hospital; privatization.—

(1) The Department of Children and Family Services shall, through a request for proposals, privatize South Florida State Hospital. The department shall plan to begin implementation of this privatization initiative by July 1, 1998.

(a) Notwithstanding s. 287.057(13)(12), the department may enter into agreements, not to exceed 20 years, with a private provider, a coalition of providers, or another agency to finance, design, and construct a treatment facility having up to 350 beds and to operate all aspects of daily operations within the facility. The department may subcontract any or all components of this procurement to a statutorily established state governmental entity that has successfully contracted with private companies for designing, financing, acquiring, leasing, constructing, and operating major privatized state facilities.

Section 15. Subsections (1) and (5) of section 402.73, Florida Statutes, are amended to read:

402.73 Contracting and performance standards.—

(1) The Department of Children and Family Services shall establish performance standards for all contracted client services. Notwithstanding s. 287.057(4)(3)(f), the department must competitively procure any contract for client services when any of the following occurs:

(a) The provider fails to meet appropriate performance standards established by the department after the provider has been given a reasonable opportunity to achieve the established standards.

(b) A new program or service has been authorized and funded by the Legislature and the annual value of the contract for such program or service is \$300,000 or more.

(c) The department has concluded, after reviewing market prices and available treatment options, that there is evidence that the department can improve the performance outcomes produced by its contract resources. At a minimum, the department shall review market prices and available treatment options biennially. The department shall compile the results of the biennial review and include the results in its annual performance report to the Legislature pursuant to chapter 94-249, Laws of Florida. The department shall provide notice and an opportunity for public comment on its review of market prices and available treatment options.

Section 16. Paragraph (c) of subsection (5) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(5) **USE OF CONTRACTS.**—Regional workforce boards shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(c) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(4)(3)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the regional workforce board.

Section 17. Paragraph (d) of subsection (2) of section 455.2177, Florida Statutes, is amended to read:

455.2177 Monitoring of compliance with continuing education requirements.—

(2) If the compliance monitoring system required under this section is privatized, the following provisions apply:

(d) Upon the failure of a vendor to meet its obligations under a contract as provided in paragraph (a), the department may suspend the contract and enter into an emergency contract under s. 287.057(4)(3).

Section 18. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to information technology; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of

Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 287.012, F.S.; defining "invitation to negotiate" and "request for a quote"; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross-references; providing an effective date.

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

Amendment 1A (640422)(with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. Paragraph (d) of subsection (4) of section 57.111, Florida Statutes, is amended to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorneys' fees and costs.—

(4)

(d) The court, or the administrative law judge in the case of a proceeding under chapter 120, shall promptly conduct an evidentiary hearing on the application for an award of attorney's fees and shall issue a judgment, or a final order in the case of an administrative law judge. The final order of an administrative law judge is reviewable in accordance with the provisions of s. 120.68. If the court affirms the award of attorney's fees and costs in whole or in part, it may, in its discretion, award additional attorney's fees and costs for the appeal.

1. No award of attorney's fees and costs shall be made in any case in which the state agency was a nominal party.

2. No award of attorney's fees and costs for an action initiated by a state agency shall exceed \$50,000 \$15,000.

Section 2. Paragraph (e) of subsection (2) of section 120.569, Florida Statutes, is amended to read:

120.569 Decisions which affect substantial interests.—

(2)

(e)1. Every pleading, written motion, and other paper filed in a proceeding must be signed by at least one attorney or qualified representative of record in the attorney's or qualified representative's individual name, or, if the party is not represented by an attorney or qualified representative, the pleading, written motion, or other paper must be signed by the party. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney, qualified representative, or party.

2. By presenting a pleading, written motion, or other paper, whether by signing, filing, submitting, or later advocating, an attorney, qualified representative, or unrepresented party is certifying that, to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

a. The pleading, written motion, or other paper is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

b. The claims, defenses, and other legal contentions contained in the pleading, written motion, or other paper are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

c. The allegations and other factual contentions have evidentiary support or, if specifically identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

d. The denials of factual contentions are warranted on the evidence or, if specifically identified, are reasonably based on a lack of information or belief.

3. If, after notice and a reasonable opportunity to respond, the presiding officer determines that subparagraph 2. has been violated, the presiding officer may impose an appropriate sanction against the person who signed it, the represented party, or both, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including reasonable attorney's fees. However:

a. Monetary sanctions may not be awarded against a represented party for a violation of sub-subparagraph 2.b.

b. Monetary sanctions may not be awarded under this paragraph based on a violation of discovery rules.

c. This paragraph does not authorize the award of sanctions against any person who comments on or objects to a draft permit during an authorized period for public comment or at a public hearing.

4. Sanctions under this paragraph may be initiated at any time after the initiation of a proceeding either by motion or on the presiding officer's own initiative. A motion shall describe the specific conduct alleged to violate subparagraph 2. The motion shall be served upon the attorney or qualified representative of a party or an unrepresented party against whom such sanctions are sought and shall be filed with the presiding officer. However, such motion shall not be acted upon by the presiding officer or called up for hearing by the movant unless, within 14 days after service of the motion or such other period as the presiding officer may prescribe, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. A presiding officer's own initiative to impose sanctions may be undertaken only after entering an order describing the specific conduct that appears to violate subparagraph 2. and directing the attorney or qualified representative of a party or the unrepresented party to show cause why subparagraph 2. has not been violated. When imposing sanctions, the presiding officer shall describe the conduct determined to constitute a violation of subparagraph 2. and explain the basis for the sanction imposed. ~~All pleadings, motions, or other papers filed in the proceeding must be signed by the party, the party's attorney, or the party's qualified representative. The signature constitutes a certificate that the person has read the pleading, motion, or other paper and that, based upon reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay, or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the presiding officer shall impose upon the person who signed it, the represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.~~

Section 3. Paragraphs (c) and (e) of subsection (1) of section 120.595, Florida Statutes, are amended to read:

120.595 Attorney's fees.—

(1) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION 120.57(1).—

(c) In proceedings pursuant to s. 120.57(1), and upon motion, the administrative law judge shall determine whether any party participated in the proceeding for an improper purpose as defined by this subsection and s. 120.569(2)(e). In making such determination, the administrative law judge shall consider whether the nonprevailing adverse party has participated in two or more other such proceedings involving the same prevailing party and the same project as an adverse party and in which such two or more proceedings the nonprevailing adverse party did not establish either the factual or legal merits of its position, and shall consider whether the factual or legal position asserted in the instant proceeding would have been cognizable in the previous proceedings. In such event, it shall be rebuttably presumed that the nonprevailing adverse party participated in the pending proceeding for an improper purpose.

(e) For the purpose of this subsection:

1. "Improper purpose" means participation in a proceeding pursuant to s. 120.57(1) primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of *litigation*, licensing, or securing the approval of an activity.

2. "Costs" has the same meaning as the costs allowed in civil actions in this state as provided in chapter 57.

3. "Nonprevailing adverse party" means a party that has failed to have substantially changed the outcome of the proposed or final agency action which is the subject of a proceeding. In the event that a proceeding results in any substantial modification or condition intended to resolve the matters raised in a party's petition, it shall be determined that the party having raised the issue addressed is not a nonprevailing adverse party. The recommended order shall state whether the change is substantial for purposes of this subsection. In no event shall the term "nonprevailing party" or "prevailing party" be deemed to include any party that has intervened in a previously existing proceeding to support the position of an agency.

Section 4. Subsection (1) of section 373.114, Florida Statutes, is amended to read:

373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.—

(1) Except as provided in subsection (2), the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, have the exclusive authority to review any order or rule of a water management district, other than a rule relating to an internal procedure of the district, *an order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57, or a rule that has been adopted after issuance of an order resulting from an evidentiary hearing held under s. 120.56, to ensure consistency with the provisions and purposes of this chapter. Subsequent to the legislative ratification of the delineation methodology pursuant to s. 373.421(1), this subsection also shall apply to an order of the department, or a local government exercising delegated authority, pursuant to ss. 373.403-373.443, except an order pertaining to activities or operations subject to conceptual plan approval pursuant to chapter 378 or an order resulting from an evidentiary hearing held under s. 120.569 or s. 120.57.*

(a) Such review may be initiated by the department or by a party to the proceeding below by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the department and on any person named in the rule or order within 20 days after adoption of the rule or the rendering of the order. For the purposes of this section, the term "party" means any affected person who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the rule or order that are cognizable within the scope of the provisions and purposes of this chapter, ~~or any person who participated as a party in a proceeding instituted pursuant to chapter 120.~~ In order for the commission to accept a request for review initiated by a party below, with regard to a specific order, four members of the commission must determine on the basis of the record below that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. Review of an order may also be accepted if four members of the commission determine that the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from the standpoint of agency precedent. The party requesting the com-

mission to review an order must allege with particularity, and the commission must find, that:

1. The order is in conflict with statutory requirements; or
2. The order is in conflict with the requirements of a duly adopted rule.

(b) Review by the Land and Water Adjudicatory Commission is appellate in nature and shall be based solely on the record below. If there was no evidentiary administrative proceeding below, the facts contained in the proposed agency action, including any technical staff report, shall be deemed undisputed. The matter shall be heard by the commission not more than 60 days after receipt of the request for review, unless waived by the parties.

(c) If the Land and Water Adjudicatory Commission determines that a rule of a water management district is not consistent with the provisions and purposes of this chapter, it may require the water management district to initiate rulemaking proceedings to amend or repeal the rule. If the commission determines that an order is not consistent with the provisions and purposes of this chapter, the commission may rescind or modify the order or remand the proceeding for further action consistent with the order of the Land and Water Adjudicatory Commission only if the commission determines that the activity authorized by the order would substantially affect natural resources of statewide or regional significance. In the case of an order which does not itself substantially affect natural resources of statewide or regional significance, but which raises issues of policy that have regional or statewide significance from the standpoint of agency precedent, the commission may direct the district to initiate rulemaking to amend its rules to assure that future actions are consistent with the provisions and purposes of this chapter without modifying the order.

(d) In a review under this section of a construction permit issued pursuant to a conceptual permit under part IV, which conceptual permit is issued after July 1, 1993, a party to the review may not raise an issue which was or could have been raised in a review of the conceptual permit under this section.

(e) A request for review under this section shall not be a precondition to the seeking of judicial review pursuant to s. 120.68 or the seeking of an administrative determination of rule validity pursuant to s. 120.56.

(f) The Florida Land and Water Adjudicatory Commission may adopt rules to set forth its procedures for reviewing an order or rule of a water management district consistent with the provisions of this section.

(g) For the purpose of this section, it shall be presumed that activity authorized by an order will not affect resources of statewide or regional significance if the proposed activity:

1. Occupies an area less than 10 acres in size, and
2. Does not create impervious surfaces greater than 2 acres in size, and
3. Is not located within 550 feet of the shoreline of a named body of water designated as Outstanding Florida Waters, and
4. Does not adversely affect threatened or endangered species.

This paragraph shall not operate to hold that any activity that exceeds these limits is presumed to affect resources of statewide or regional significance. The determination of whether an activity will substantially affect resources of statewide or regional significance shall be made on a case-by-case basis, based upon facts contained in the record below.

Section 5. Subsection (5)(a) of section 403.412, Florida Statutes, is amended to read:

403.412 Environmental Protection Act.—

(5)(a) In any administrative, licensing, or other proceedings authorized by law for the protection of the air, water, or other natural resources of the state from pollution, impairment, or destruction, the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state shall have standing to intervene as a party on the filing of a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing,

polluting, or otherwise injuring the air, water, or other natural resources of the state.

(b) *Citizen initiation of a proceeding under s. 120.569 or s. 120.57 shall not be authorized by paragraph (a), but shall be governed by the provisions of chapter 120.*

(c) *However, a nonprofit corporation or association organized in whole or in part to promote conservation, to protect the environment or other biological values, or to preserve historical sites may petition to initiate a proceeding under s. 120.569 or s. 120.57 with regard to an agency action or a proposed agency action in any administrative, licensing, or other proceedings described in paragraph (a) without demonstrating that its substantial interests have been or will be determined, if:*

1. *Such corporation or association was in existence at least 1 year before the filing of the application to license or permit an activity, conduct, or product which resulted in the agency action or proposed agency action that is the subject of the petition;*

2.a. *Such corporation or association has an office for the transaction of its customary business or owns real property, within the same county where the activity, conduct, or product to be permitted or licensed is located, or*

b. *At least 25 members of the corporation or association reside or own real property within the same county where the activity, conduct, or product to be permitted or licensed is located; and*

3. *Such corporation or association files a verified pleading asserting that the activity, conduct, or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 24, delete line 7 and insert: An act relating to administrative procedures; amending s. 57.111, F.S.; increasing the limitation on attorney's fees and costs; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.595, F.S.; redefining the term "improper purpose" for determining an award of attorney's fees; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending s. 403.412, F.S.; revising requirements for initiating specified proceedings under the Environmental Protection Act;

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

Amendment 1B (582680)—On page 4, line 12, delete "request for Quote" and insert: , request for quote

Amendment 1C (265758)—On page 7, lines 4-7, delete those lines and insert: *invitation to bid or a request for a proposal will not result in the best value to the state, based on factors, including, but not limited to, price, quality, design, and workmanship, the agency may procure commodities and contractual services by an invitation to negotiate. An agency may procure commodities and contractual services by a request for a quote from vendors under contract with the department.*

On motion by Senator Peaden, further consideration of **CS for SB 1560** with pending **Amendment 1** as amended was deferred.

On motion by Senator King—

CS for SB 1720—A bill to be entitled An act relating to trust funds; creating s. 20.505, F.S.; creating the Administrative Trust Fund within the Agency for Workforce Innovation; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1720** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SB 1738—A bill to be entitled An act relating to expedited permitting; amending s. 288.109, F.S.; specifying that the State Technology Office is responsible for establishing and implementing an Internet site for the One-Stop Permitting System; providing that the 60-day period for application approval or denial under the system does not apply to certain applications; removing provisions that provide for a waiver of development permit fees for a specified period when an agency begins accepting applications through the system; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; providing an effective date.

—with pending **Amendment 1 (345644)** by Senator Peaden as amended.

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

Amendment 1C (793004)—On page 7, lines 4-7, delete those lines and insert: *invitation to bid or a request for a proposal will not result in the best value to the state, based on factors, including, but not limited to, price, quality, design, and workmanship, the agency may procure commodities and contractual services by an invitation to negotiate. An agency may procure commodities and contractual services by a request for a quote from vendors under contract with the department.*

On motion by Senator Bronson, further consideration of **SB 1738** with pending **Amendment 1** as amended was deferred.

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

CS for SB 1750—A bill to be entitled An act relating to economic development; creating the "Florida Emerging and Strategic Technologies Act"; creating s. 112.3133, F.S.; providing legislative findings and intent relating to the transfer of technology and conflicts of interest for public university employees; directing the State Board of Education to develop guidelines for public universities requiring disclosure of employees' significant financial interests; prescribing minimum requirements for such guidelines; defining the term "significant financial interests"; requiring public universities to enforce and oversee implementation of such guidelines; requiring a report; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 212.08, F.S.; revising the sales and use tax exemption for certain machinery and equipment to include machinery and equipment used by health technology facilities to produce health technology products, as defined, and machinery and equipment used in research and development or manufacturing in a health technology facility; expanding a sales tax exemption for clean-room building materials to include health-technology facilities; amending s. 220.02, F.S.; expressing legislative intent on the order in which a corporate income tax credit for certain education costs should be applied; amending s. 220.13, F.S.; redefining the term "adjusted federal income" to conform to the creation of a corporate income tax credit for certain information technology education costs; creating s. 220.192, F.S.; authorizing a credit against corporate income tax for certain information technology education costs paid by an employer on behalf of an employee; providing eligibility and application requirements; providing for administration and expiration of the tax credit program; providing a definition; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent;

amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.095, F.S.; raising 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; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; amending s. 288.911, F.S.; requiring Enterprise Florida, Inc., to develop and implement a marketing campaign to promote high-technology industries; providing the purpose of such campaign; requiring coordination with specified entities in the development of such campaign; prescribing components of such campaign; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term "digital media"; providing appropriations; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (072184)** by Committee on Finance and Taxation failed.

Senator Klein moved the following amendment which was adopted:

Amendment 2 (684552)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Florida Emerging and Strategic Technologies Act."*

Section 2. Section 121.155, Florida Statutes, is created to read:

121.155 Investments in support of economic development strategies; legislative findings and intent.—

(1) *The Legislature finds that:*

(a) *The recruitment, retention, and expansion of high-technology businesses are a principal economic development strategy of the state.*

(b) *High-technology businesses have the potential to contribute significantly to the prosperity of the state and its residents through the creation of employment opportunities and through the generation of revenues into the economy.*

(c) *A significant barrier to the growth of high-technology businesses in the state is caused by a lack of access to sources of capital to support the activities of such businesses.*

(d) *The State Board of Administration, through the investment of funds of the System Trust Fund, has the ability to influence the availability of capital in the marketplace for businesses located in the state.*

(e) *The investment of funds of the System Trust Fund in a manner consistent with the economic development goals of the state enhances the prospects for fulfillment of such goals.*

(2) *It is the intent of the Legislature that the State Board of Administration, consistent with sound investment policy and with the investment*

provisions set forth in ss. 215.44-215.53, maximize opportunities to invest and reinvest available funds of the System Trust Fund in a manner that is consistent with, and that supports fulfillment of, the economic development strategies of the state, including investing and reinvesting funds in support of the capital needs of emerging and strategic high-technology businesses located in the state. It is further the intent of the Legislature that the State Board of Administration, in supporting fulfillment of the economic development strategies of the state, establish partnerships, where feasible, with venture capital firms designed to facilitate investment of venture capital in high-technology businesses located in this state.

(3) *Staff of the State Board of Administration shall regularly solicit information from Enterprise Florida, Inc., on those high-technology business sectors that research indicates have significant potential to contribute to the economic development of the state and shall provide such information to the Investment Advisory Council created under s. 215.444.*

(4) *As part of the annual report required under s. 215.44, the State Board of Administration shall describe those investment activities during the year in furtherance of the findings and intent of this section.*

Section 3. Section 159.26, Florida Statutes, is amended to read:

159.26 *Legislative findings and purposes.—The Legislature finds and declares that:*

(1) *The agriculture, tourism, urban development, historic preservation, information technology, education, and health care industries, among others, are vital to the economy of the state and to the welfare of the people and need to be enhanced and expanded to improve the competitive position of the state;*

(2) *There is a need to enhance other economic activity in the state by attracting manufacturing development, business enterprise management, and other activities conducive to economic promotion in order to provide a stronger, more balanced, and stable economy in the state, while providing through pollution control and otherwise for the health and safety of the people;*

(3) *In order to improve the prosperity and welfare of the state and its inhabitants; to improve education, living conditions, and health care; to promote the preservation of historic structures; to promote the rehabilitation of enterprise zones; to promote improved transportation; to promote effective and efficient pollution control throughout the state; to promote the advancement of education and science and research in and the economic development of the state; to promote the advancement of information technology; and to increase purchasing power and opportunities for gainful employment, it is necessary and in the public interest to facilitate the financing of the projects provided for in this part and to facilitate and encourage the planning and development of these projects without regard to the boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable; and*

(4) *The purposes to be achieved by such projects and the financing of them in compliance with the criteria and requirements of this part are predominantly the public purposes stated in this section, and such purposes implement the governmental purposes under the State Constitution of providing for the health, safety, and welfare of the people, including implementing the purpose of s. 10(c), Art. VII of the State Constitution.*

Section 4. Subsection (5) of section 159.27, Florida Statutes, is amended, and subsection is added to that section to read:

159.27 *Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:*

(5) "Project" means any capital project comprising an industrial or manufacturing plant, a research and development park, an information technology facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility,

a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, including one or more buildings and other structures, whether or not on the same site or sites; any rehabilitation, improvement, renovation, or enlargement of, or any addition to, any buildings or structures for use as a factory, a mill, a processing plant, an assembly plant, a fabricating plant, an industrial distribution center, a repair, overhaul, or service facility, a test facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, a social service center, or a mass commuting facility, and other facilities, including research and development facilities and information technology facilities, for manufacturing, processing, assembling, repairing, overhauling, servicing, testing, or handling of any products or commodities embraced in any industrial or manufacturing plant, in connection with the purposes of a research and development park, or other facilities for or used in connection with an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, or a commercial project in an enterprise zone or for controlling air or water pollution or for the disposal, processing, conversion, or reclamation of hazardous or solid waste, a social service center, or a mass commuting facility; and including also the sites thereof and other rights in land therefor whether improved or unimproved, machinery, equipment, site preparation and landscaping, and all appurtenances and facilities incidental thereto, such as warehouses, utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, office or storage or training facilities, public lodging and restaurant facilities, dockage, wharfage, solar energy facilities, and other improvements necessary or convenient for any manufacturing or industrial plant, research and development park, information technology facility, agricultural processing or storage facility, warehousing or distribution facility, tourism facility, convention or trade show facility, urban parking facility, trade center, health care facility, educational facility, a correctional or detention facility, motion picture production facility, preservation or rehabilitation of a certified historic structure, airport or port facility, commercial project in an enterprise zone, pollution-control facility, hazardous or solid waste facility, social service center, or a mass commuting facility and any one or more combinations of the foregoing.

(25) "Information technology facility" means a building or structure, including infrastructure such as roads, power, water, network access points, and fiber optic cable leading to the structure, which is used to house businesses classified within the following codes of the North American Industry Classification System (NAICS): 334111 (electronic computer manufacturing), 334112 (computer storage device manufacturing), 334113 (computer terminal manufacturing), 334119 (other computer peripheral equipment manufacturing), 334613 (magnetic and optical recording media manufacturing), 334418 (printed circuit assembly manufacturing), 334411 (electron tube manufacturing), 334412 (bare printed circuit board manufacturing), 334413 (semiconductor and related device manufacturing), 334417 (electronic connector manufacturing), 334611 (software reproducing), 541512 (computer systems design services), 541421 (data processing services), 5414191 (on-line information services), 811212 (computer and office machine repair and maintenance), 44312 (computer and software stores-retail), 541519 (other computer related services), 42143 (computer and computer peripheral equipment and software wholesalers), 51121 (software publishers), 541511 (custom computer programming services), and 61142 (computer training). The term also includes joint-use advanced digital media research and production facilities created pursuant to authority from the Legislature for the Office of Tourism, Trade, and Economic Development to administer a program facilitating the establishment and maintenance of such digital media facilities.

Section 5. Subsection (10) of section 159.705, Florida Statutes, is amended to read:

159.705 Powers of the authority.—The authority is authorized and empowered:

(10) Other provisions of law to the contrary notwithstanding, to acquire by lease, without consideration, purchase, or option any lands owned, administered, managed, controlled, supervised, or otherwise protected by the state or any of its agencies, departments, boards, or commissions for the purpose of establishing a research and development park, subject to being first designated a research and development authority under the provisions of ss. 159.701-159.7095. The authority may cooperate with state and local political subdivisions and with private profit and nonprofit entities to implement the public purposes set out in s. 159.701. Such cooperation may include agreements for the use of the resources of state and local political subdivisions, agencies, or entities on a fee-for-service basis or on a cost-recovery basis. A project that is located in a research and development park and is financed under the provisions of the Florida Industrial Development Financing Act may be operated by a research and development authority, a state university, a Florida community college, or a governmental agency, provided that the purpose and operation of such project is consistent with the purposes and policies enumerated in ss. 159.701-159.7095.

Section 6. Section 240.1055, Florida Statutes, is created to read:

240.1055 Economic development mission.—

(1) The Legislature finds that the state system of postsecondary education contributes to the economic well-being of the state and its people through the education and training of individuals for employment, through research and development of technologies that have commercial applications, and through the provision of assistance to businesses based in this state. The Legislature further finds that the quality and activities of the state system of postsecondary education directly affect the success of state, regional, and local efforts to develop, recruit, retain, and expand businesses, particularly high-technology businesses, that create jobs and generate revenue. Therefore, as a fundamental component of the purpose and mission articulated in s. 240.105, the mission of the state system of postsecondary education is to complement, facilitate, and support the economic development strategies and goals of the state and its communities.

(2) In recognition and furtherance of the economic development mission of the state system of postsecondary education, it is the policy of the state to use the patent system and the technology-licensing operations of public universities to promote the use of inventions arising from funded research; to encourage to the maximum extent possible the participation of businesses based in this state in opportunities to commercialize technology; to promote collaboration between businesses in this state and universities; and to secure for the residents of this state enhanced returns on the intellectual property developed by public universities through funded research.

Section 7. Section 240.710, Florida Statutes, is amended to read:

240.710 Digital Media Education Coordination Group.—

(1) The Division of Universities of the Department of Education, or the division's successor entity, Board of Regents shall create a Digital Media Education Coordination Group composed of representatives of the universities within the State University System that shall work in conjunction with the Division Department of Education, the State Board of Community Colleges, the Office of Tourism, Trade, and Economic Development, and the Articulation Coordinating Committee on the development of a plan to enhance Florida's ability to meet the current and future workforce needs of the digital media industry. The following purposes of the group shall be included in its plan development process:

(a) Coordination of the use of existing academic programs and research and faculty resources to promote the development of a digital media industry in this state.

(b) Address strategies to improve opportunities for interdisciplinary study and research within the emerging field of digital media through the development of tracts in existing degree programs, new interdisciplinary degree programs, and interdisciplinary research centers.

(c) Address the sharing of resources among universities in such a way as to allow a student to take courses from multiple departments or multiple educational institutions in pursuit of competency, certification, and degrees in digital information and media technology.

(2) Where practical, private accredited institutions of higher learning in this state should be encouraged to participate.

~~(3) In addition to the elements of the plan governed by the purposes described in subsection (1), the plan shall include, to the maximum extent practical, the coordination of educational resources to be provided by distance learning and shall facilitate to the maximum extent possible articulation and transfer of credits between community colleges and the state universities. The plan shall address student enrollment in affected programs with emphasis on enrollment beginning as early as fall term, 2001.~~

(3)(4) The Digital Media Education Coordination Group shall submit an annual report of its activities with any recommendations for policy implementation or funding to the State Board of Education its plan to the President of the Senate and the Speaker of the House of Representatives no later than February 1 of each year January 1, 2001.

Section 8. Paragraph (a) of subsection (3) of section 288.095, Florida Statutes, are amended to read:

288.095 Economic Development Trust Fund.—

(3)(a) The Office of Tourism, Trade, and Economic Development may approve applications for certification pursuant to ss. 288.1045(3) and 288.106. However, the total state share of tax refund payments scheduled in all active certifications for fiscal year 2000-2001 shall not exceed \$24 million. ~~The state share of tax refund payments scheduled in all active certifications for fiscal year 2001-2002 may and each subsequent year shall not exceed \$30 million. The total for each subsequent fiscal year may not exceed \$35 million.~~

Section 9. Paragraph (i) of subsection (6) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(i) For the purposes of this subsection, ~~the semiconductor a high-impact sector consists of the silicon technology sector and the information technology sector are that Enterprise Florida, Inc., has found to be~~ focused around the type of high-impact businesses for which the incentive created in this section subsection is designed. ~~These sectors required and will create the kinds of economic sector and economy-wide benefits that justify the use of state resources as economic development incentives. Further, the use of state resources to encourage investment in these sectors is necessary to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations. For the purposes of this subsection and s. 220.191, the term "information technology sector" shall encompass, but not be limited to, the digital media sector as defined by Enterprise Florida, Inc., and approved by the Office of Tourism, Trade, and Economic Development.~~

Section 10. *The Legislature finds that the Information Services Technology Development Task Force created under chapter 99-354, Laws of Florida, performed an integral role in analyzing and recommending policies to facilitate the beneficial development and deployment of information technology on a statewide basis. It is the intent of the Legislature that, upon the dissolution of the task force effective July 1, 2001, the state solicit continued policy guidance and direction from a not-for-profit corporation created to advocate on behalf of information technology businesses and other high-technology businesses throughout the state and which does business under the name "itflorida.com, Inc." It further is the intent of the Legislature that the State Technology Office; the Office of Tourism, Trade, and Economic Development; and Enterprise Florida, Inc., facilitate the formation and initial operation of such corporation to the maximum extent feasible and that such organizations use the corporation as a resource for information and insights about the information technology industry and other high-technology industries.*

Section 11. Effective upon this act becoming a law, section 288.9522, Florida Statutes, is created to read:

288.9522 Florida Research Consortium.—

(1) CREATION; INTENT.—

(a) *There is created the Florida Research Consortium, which shall be organized and operated as a not-for-profit corporation in compliance with chapter 617. The consortium shall serve as an entity for uniting businesses and universities in the state in order to enhance economic development through the development and commercialization of science and technology and for targeting the activities of such universities toward fulfillment of the economic development goals of the state.*

(b) *It is the intent of the Legislature that the Florida Research Consortium complement, and not supplant, any elements of the governance structure for the state system of post-secondary education. It further is the intent of the Legislature that the consortium operate as a private corporation and not as an agency of state government. It also is the intent of the Legislature that the state provide a framework for and facilitate the creation and initial operation of the consortium, but that ultimately the consortium function as a dynamic, independent entity that identifies and implements activities to fulfill strategies developed by its board of directors.*

(2) BOARD OF DIRECTORS.—*The Florida Research Consortium shall be governed by a board of directors comprised of the following members:*

(a) *Ten chief executive officers of businesses based in this state who are appointed by the Governor. Initially, of the 10 chief executive officers, the Governor shall appoint 5 members for terms of 4 years, 3 members for terms of 3 years, and 2 members for terms of 2 years. Thereafter, the Governor shall appoint all members for terms of 4 years.*

(b) *Two chief executive officers of businesses based in this state who are appointed by the President of the Senate and who serve at the pleasure of the President.*

(c) *Two chief executive officers of businesses based in this state who are appointed by the Speaker of the House of Representatives and who serve at the pleasure of the Speaker.*

(d) *The presidents of the following universities:*

1. *University of Florida;*
2. *Florida State University;*
3. *University of Central Florida;*
4. *University of South Florida;*
5. *Florida Atlantic University;*
6. *Florida International University;*
7. *Florida Agricultural and Mechanical University;*
8. *University of North Florida;*
9. *Florida Gulf Coast University;*
10. *University of West Florida; and*
11. *University of Miami.*

(e) *The president of Enterprise Florida, Inc.*

(f) *The president of Workforce Florida, Inc.*

(g) *One representative each from two not-for-profit research institutes located in the state which are not public or private universities, who are appointed by the Governor for terms of 4 years.*

(h) *The Governor or the Governor's designee, who shall serve as an ex-officio, nonvoting member.*

(i) *The Commissioner of Education or the commissioner's designee, who shall serve as an ex-officio, non-voting member.*

The voting members of the board of directors shall biennially elect one of the voting members of the board to serve as the chairman of the board. All members appointed under paragraphs (a), (b), (c), and (g) are subject to Senate confirmation.

(3) *PURPOSE.*—The purpose of the Florida Research Consortium is to support economic development in the state by linking the research capabilities of member universities with the needs and activities of private businesses in the state and by fostering the development and growth of scientific and technology-based industry and commerce in this state.

(4) *POWERS AND DUTIES.*—The powers and duties of the board of directors of the Florida Research Consortium shall include, but not be limited to:

(a) Raising funds from nonstate sources to leverage any appropriations from the Legislature;

(b) Identifying three specific disciplines in science or technology which shall be the focus of the activities of the consortium, with such disciplines being narrowly defined and being viable areas of potential success for the state from an economic development and academic perspective;

(c) Developing and implementing strategies to recruit and retain pre-eminent researchers in science and technology-based disciplines to universities in the state, with such strategies including but not being limited to the endowment of faculty or research chairs at universities in the state in the disciplines identified under paragraph (b);

(d) Developing and implementing strategies to recruit and retain graduate and undergraduate students in science and technology-based disciplines to universities in the state;

(e) Assisting new and expanding science and technology-based businesses with their research, technology commercialization, capital, and workforce needs;

(f) Developing and implementing strategies to increase the state's share of research funds;

(g) Identifying statutory, regulatory, policy, or other barriers impeding the effective, efficient, and timely transfer of technology and commercialization of research from the university setting and proposing resolutions to such barriers, including reforms to university policies on issues such as conflicts of interest;

(h) Developing and implementing strategies to create a culture at member universities which promotes the conduct of applied research and the transfer of technology as fundamental activities of such universities;

(i) Developing measures to assess the performance of the technology transfer offices of the member universities in facilitating the transfer of technology to businesses in the state;

(j) Facilitating discussions, meetings, and other forms of communication among university researchers, faculty, administrators, and students; high technology businesses in the state; and economic-development professionals;

(k) Establishing and maintaining an Internet-based database for the marketing, publication, and exchange of information with the public and private sectors on basic, applied, and other research being conducted at universities in the state;

(1) Coordinating donations of equipment from high-technology businesses to secondary schools;

(m) Hiring an executive director and other staff for the Florida Research Consortium; and

(n) Meeting at least four times each calendar year, with the first meeting of the board of directors being held by July 1, 2001.

(5) *ANNUAL REPORT.*—

(a) By January 1 of each year, the Florida Research Consortium shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include specific recommendations regarding actions the state could take to enhance the commercialization of research and transfer of technologies from the universities and to enhance the role of universities in accomplishing the economic development goals of the state.

(b) By December 1 of each year, the technology transfer office of each university that is a member of the Florida Research Consortium shall report to the board of directors on the activities of the office during the year related to facilitating the transfer of technology to businesses and on its other activities related to building relationships between university researchers, faculty, students, and administrators and businesses in the state. The report must include information on the achievement by the office of the performance measures identified under paragraph (4)(i). The board of directors shall summarize the information provided by the technology transfer offices as part of the annual report by the board under paragraph (a).

Section 12. (1) Enterprise Florida, Inc., shall provide staff support to the Florida Research Consortium created under section 288.9522, Florida Statutes, to assist the board of directors of the consortium with the initial organization and operation of the consortium, until such time as the board of directors of the consortium hires an executive director or other staff.

(2) This section shall take effect upon this act becoming a law.

Section 13. (1) The Legislature finds that promoting objectivity in research at public universities is important to ensure that conflicts of interest do not compromise the responsibility of faculty, researchers, staff, and students to the state and the public educational institutions they represent. The Legislature also finds, however, that the transfer of technology from the university setting to the private sector produces economic development benefits for the state and its citizens and is a laudable public policy goal of the state. The Legislature further finds that such transfer of technology is facilitated by encouraging communication and relationships between university employees and business entities. Therefore, it is the intent of the Legislature that public universities in the state operate under policies and procedures that safeguard the public trust but that also facilitate the transfer of technology by not unduly burdening the building of relationships between university employees and business entities.

(2) The Florida Research Consortium created under section 288.9522, Florida Statutes, shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002, on the impact of existing statutes, regulations, policies, and procedures, as well as other factors the consortium identifies, on the transfer and commercialization of technology from the university setting to the private sector and on the ability of university faculty, researchers, other staff, and students to establish relationships with business entities emanating from research conducted at the universities. The report shall include specific recommendations for actions by the Legislature, universities, and state agencies to enhance and promote the transfer and commercialization of technology to produce economic development benefits for the state and its residents. At a minimum, this report must:

(a) Examine the code of ethics for public officers and employees under part III of chapter 112, Florida Statutes, to identify any specific provisions that impede the transfer and commercialization of technology and recommend any changes to the code that the consortium deems necessary to address such impediments.

(b) Assess the strengths and weaknesses of technology transfer and commercialization policies and practices of the member universities of the consortium and identify any exemplars.

(c) Review technology transfer and commercialization policies and practices in other states to identify models for potential adoption in this state.

(d) Examine federal statutes and regulations governing conflicts of interest and disclosure of significant financial interests by researchers who apply for or receive federal research funds and recommend whether comparable statutory or regulatory provisions should be adopted in this state.

(e) Analyze the provisions of the federal Bayh-Dole Act and related legislation and recommend whether any comparable provisions should be adopted in this state.

(f) Assess the advantages and disadvantages of adopting policies and practices related to the transfer and commercialization of technology on a statewide basis versus at the individual university level.

(3) *The consortium shall solicit the participation in the preparation of this report of individuals who have expertise related to the transfer and commercialization of technology but who are not members of the consortium.*

(4) *This section shall take effect upon this act becoming a law.*

Section 14. Section 445.045, Florida Statutes, is amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(1) ~~Workforce Florida, Inc., The Department of Labor and Employment Security shall be responsible for directing facilitate efforts to ensure~~ the development and maintenance of a website that promotes and markets the information technology industry in this state. The website shall be designed to inform the public concerning the scope of the information technology industry in the state and shall also be designed to address the workforce needs of the industry. The website shall include, through links or actual content, information concerning information technology businesses in this state, including links to such businesses; information concerning employment available at these businesses; and the means by which a jobseeker may post a resume on the website.

(2) ~~Workforce Florida, Inc., The Department of Labor and Employment Security shall coordinate with the State Technology Office and the Agency for Workforce Innovation Workforce Development Board of Enterprise Florida, Inc., to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.~~

(3) *Workforce Florida, Inc., shall ensure that the website developed and maintained under this section is consistent, compatible, and coordinated with the workforce information systems required under s. 445.011, including, but not limited to, the automated job-matching information system for employers, job seekers, and other users.*

(4)(a) *Workforce Florida, Inc., shall coordinate development and maintenance of the website under this section with the state's Chief Information Officer in the State Technology Office to ensure compatibility with the state's information system strategy and enterprise architecture.*

(b) *Workforce Florida, Inc., may enter into an agreement with the State Technology Office, the Agency for Workforce Innovation, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.*

(c) *Workforce Florida, Inc., may procure services necessary to implement the provisions of this section, provided, however, that it employs competitive processes, including requests for proposals, competitive negotiation, and other competitive processes to ensure that the procurement results in the most cost-effective investment of state funds.*

(5) *In furtherance of the requirements under this section that the website promote and market the information technology industry by communicating information on the scope of the industry in this state, Workforce Florida, Inc., shall coordinate its efforts with the high-technology industry marketing efforts of Enterprise Florida, Inc., under s. 288.911. Through links or actual content, the website developed under this section shall serve as a forum for distributing the marketing campaign developed by Enterprise Florida, Inc., under s. 288.911. In addition, Workforce Florida, Inc., shall solicit input from the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida.*

(6) *In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the Agency for Workforce Innovation. The agency is authorized and directed to provide such services as Workforce Florida, Inc., and the agency deem necessary to implement this section.*

Section 15. *Pilot grant program for youth internships.—*

(1) *Subject to legislative appropriation, Workforce Florida, Inc., shall establish a pilot matching grant program that is designed to encourage*

high-technology businesses to employ, train, and mentor financially needy youth through internships completed under the direct supervision of the eligible business. Under this program, Workforce Florida, Inc., may award grants to an eligible business for the benefit of a named eligible youth. Part of the purpose of the program shall be to help financially needy youth acquire and develop information technology skills in order to help close the "digital divide."

(2) *Grant funds awarded under this program shall be used to supplement the stipend of the eligible youth and must be matched by contributions from the eligible business. The maximum grant amount that may be awarded on behalf of a single eligible youth at one time is \$2,000. Workforce Florida, Inc., may establish limitations on the total number of internship grants that may be awarded to a single eligible business or that may be awarded on behalf of a single eligible youth.*

(3) *An eligible business under this program includes any sole proprietorship, firm, partnership, or corporation in this state that is in the information technology sector, health technology sector, or other high-technology sector that the board of directors of Workforce Florida, Inc., in consultation with Enterprise Florida, Inc., determines is strategically important to the economic development goals of the state.*

(4) *An eligible youth under this program includes a student between the ages of 15 and 18 who is currently enrolled at a high school in Florida and who has not been previously employed within the preceding 12 months by the eligible business, or a successor business, applying for matching funds under this program. The youth must be a member of a family that includes a parent with one or more minor children or a caretaker with one or more minor children and that is at risk of welfare dependency because the family's income does not exceed 200 percent of the federal poverty level.*

(5)(a) *As part of an application for funding under this program, an eligible business must submit an internship work plan that describes:*

1. *The work to be performed by the eligible youth;*
2. *The anticipated number of hours per week the eligible youth will work;*
3. *The total hourly stipend to be paid to eligible youth, with a description of the portion of the stipend proposed to be paid by the eligible business and the portion of the stipend proposed to be paid by the state;*
4. *The anticipated term of the internship;*
5. *The training and supervision to be provided by the eligible business, particularly in terms of skill development of the youth related to computers and other information technologies;*
6. *The impact of the grant funds on the ability of the eligible business to employ the eligible youth through the internship; and*
7. *The prospects for unsubsidized employment of the youth after the internship period concludes.*

(b) *An application for funding must also identify the eligible youth to be hired under the internship and include information to demonstrate that the eligible youth satisfies the requirements of subsection (4).*

(6) *Workforce Florida, Inc., shall establish guidelines governing the administration of this program which facilitate access to the program by businesses and shall establish criteria to be used in evaluating an application for funding and the internship plan accompanying the application as required under subsection (5). Such criteria must include, but need not be limited to:*

- (a) *The nature of the work to be performed by the eligible youth;*
- (b) *The potential experience and skills to be acquired by the eligible youth, particularly related to computers and other information technologies, as identified by Workforce Florida, Inc., which may help address the digital divide;*
- (c) *Whether the eligible business is classified in one of the business sectors identified by Enterprise Florida, Inc., as being strategically important to the economic development efforts of the state or is classified in a business sector identified as being strategically important to the particular regional or local area in which the business is located;*

(d) The supervision, training, and counseling to be provided to the eligible youth as part of the internship;

(e) The demonstrated need of the eligible business and the amount of matching funds to be provided by the eligible business; and

(f) The extent to which the internship has potential to result in permanent employment with the eligible business at the completion of the internship or anytime thereafter.

(7) Before allocating funds for any grant application under this program, Workforce Florida, Inc., shall execute a simplified grant agreement with the eligible business. Such agreement must include provisions for Workforce Florida, Inc., to have access to information about the performance of eligible youth upon completion of the internship.

(8) Workforce Florida, Inc., shall ensure that any forms or reports associated with this program which a business or individual is required to complete are as concise and simple to complete as practicable.

(9) Before the 2003 legislative session, Workforce Florida, Inc., shall prepare a report describing the outcomes of the pilot program authorized under this section. The report must include a recommendation as to whether the Legislature should continue to fund the program and on any changes necessary to enhance the program. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2003.

(10) In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the Agency for Workforce Innovation. The agency is authorized and directed to provide such services as Workforce Florida, Inc., and the agency deem necessary to implement this section.

Section 16. Joint-Use Advanced Digital-Media Research and Production Facilities.—

(1) The Legislature finds that developments in digital media are having, and will continue to have, a profound effect on the state, its people, and its businesses in areas including, but not limited to, information technology, simulation technology, and film and entertainment production and distribution. The digital-media industry represents a strategic economic development opportunity for the state to become a global leader in this emerging and dynamic field. The ability of the state to succeed in developing the digital-media sector, however, depends upon having a workforce with skills necessary to meet the demands of the industry. The Legislature further finds that the convergence of media and the collaboration of businesses and multi-disciplinary academic research programs will enable this state to compete more successfully with other digital-media innovation centers around the country and around the world. Therefore, it is the intent of the Legislature to support the establishment and maintenance of joint-use advanced digital-media research and production facilities in the state to provide regional focal points for collaboration between research and education programs and digital-media industries.

(2) Subject to legislative appropriation, the Office of Tourism, Trade, and Economic Development is authorized to create and administer a program to facilitate the establishment and maintenance of joint-use advanced digital-media research and production facilities at strategic locations around the state. The office shall administer all facets of this program in cooperation and consultation with the Office of the Film Commissioner; Enterprise Florida, Inc.; Workforce Florida, Inc.; the Digital Media Education Coordination Group of the State University System; and a not-for-profit corporation that represents information technology businesses throughout the state.

(3) The purposes of a joint-use advanced digital-media research and production facility shall include:

(a) Creating opportunities for industry, academia, and government to benefit from student and researcher involvement in applied research and development projects and other projects related to digital media.

(b) Promoting paths to future employment for students participating in the activities of the facility.

(c) Contributing to the development of a skilled workforce to support the needs of the digital-media industry.

(d) Facilitating the transfer of research results to commercial and government applications.

(e) Integrating the efforts and activities of the diverse, high-technology industries in the state that are critical to the economic future of the state.

(f) Assisting producers, suppliers, and distributors to make the transition from well-established passive media infrastructure to a highly interactive and immersive media infrastructure.

(g) Performing other functions or activities designed to contribute to the success of the state in becoming a leader in the digital-media industry, as approved by the Office of Tourism, Trade, and Economic Development.

(4) In carrying out its responsibilities under this section, the Office of Tourism, Trade, and Economic Development:

(a) Shall develop a strategic plan for how joint-use advanced digital-media research and production facilities will be governed and for how such facilities will be funded in the long term. The office may contract for the preparation of the strategic plan required by this paragraph.

(b) May contract for the establishment of joint-use advanced digital-media research and production facilities. In identifying, approving, and executing such contracts, the office shall attempt to maximize the use and integration of existing facilities and programs in the state that are suitable for application as joint-use advanced digital-media facilities. Funds awarded under such contracts may be used to lease or refurbish existing facilities to create state-of-the-art digital-media design, production, and research laboratories that shall be shared by public and private educational institutions and industry partners.

(c) Shall ensure that funds appropriated for the program authorized in this section are expended in a manner consistent with the priority needs for developing the digital-media industry in this state, as identified by the organizations listed in subsection (2).

(d) Shall require any entity or organization receiving state funding under this section to match such funding with non-state sources.

(e) Shall require any joint-use advanced digital-media research and production facility receiving state funds to submit for approval by the office a detailed plan for the operation of such facility. Such operating plan must, at a minimum, include provisions for the establishment of a tenant association, with representation by each tenant using the facility, and for the collection of annual dues from tenants to support the operation and maintenance of the facility.

(f) Shall require any joint-use advanced digital-media research and production facility receiving state funding to submit an annual report to the office by a date established by the office. Upon receipt of such annual reports, the office shall provide copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(g) Shall establish guidelines and criteria governing the application for and receipt of funds under this section.

(h) May, as part of the annual report on the business climate of the state required under section 14.2015, Florida Statutes, recommend to the Legislature policies designed to enhance the effectiveness of the program for joint-use advanced digital-media research and production facilities or policies designed to otherwise promote the development of the digital-media industry in the state.

(5) For the purposes of this section, the term "digital media" is defined as a discipline based on the creative convergence of art, science, and technology for human expression, communication, and social interaction. The Office of Tourism, Trade, and Economic Development, in cooperation and consultation with the organizations identified in subsection (2), shall identify specific types of businesses or types of business activity to be included within the term "digital media."

Section 17. The Office of Tourism, Trade, and Economic Development, the Office of the Film Commissioner, and the Digital Media Education Coordination Group shall jointly report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2001, on recommended funding levels for the program to facilitate establishment

and maintenance of joint-use advanced digital-media research and production facilities as authorized by this act. The report must include options based on different funding levels and information on the number and types of facilities that the organizations estimate could be established under each funding option. The report also must include an assessment of the long-term costs associated with operating such facilities and an assessment of non-state funding sources that could be accessed to support establishment and maintenance of such facilities.

Section 18. (1) In implementing the single, statewide computer-assisted student advising system required under section 240.2099, Florida Statutes, the Board of Regents and the State Board of Community Colleges may:

(a) Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and enforce their rights with respect thereto.

(b) Enter into binding agreements with organizations, corporations, or government entities to license, lease, assign, or otherwise give written consent to any person, firm, corporation, or agency for the use of the single, statewide, computer-assisted student advising system and collect royalties or any other consideration that the boards find proper.

(c) Sell or license any such work products and execute all instruments necessary to consummate the sale or license.

(2) The Board of Regents and the State Board of Community Colleges shall submit to the President of the Senate and the Speaker of the House of Representatives any agreement relating to this section. The President and Speaker may review the terms of the agreement and respond with comments for 30 days after receipt of an agreement; after that time, the agreement is binding.

(3) All or a portion of the proceeds derived from activities authorized under this section may be expended for developing the next generation of on-line student services, maintaining and operating the system, and acquiring statewide licenses for related software. Proceeds in excess of that necessary to support such expenditures may be deposited in the State Treasury to support need-based student aid or to support information technology infrastructure.

Section 19. The unexpended balance of funds from section 38 of chapter 2000-164, Laws of Florida, authorized to reimburse eligible companies for sales tax payments made on equipment specifically associated with the creation of a network access point, is reappropriated for Fiscal Year 2001-2002 to the Department of Revenue for reimbursement of such sales tax payments as provided in section 212.08(5), Florida Statutes.

Section 20. There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$100,000 in fiscal year 2001-2002 for use by the Florida Research Consortium created under section 288.9522, Florida Statutes, for the purposes specified in such section.

Section 21. There is appropriated from the Employment Security Administration Trust Fund to the Agency for Workforce Innovation the sum of \$200,000 in fiscal year 2001-2002 for use by Workforce Florida, Inc., in implementing the pilot matching grant program for youth internships as provided in this act. The source of these funds is the Temporary Assistance for Needy Families block grant.

Section 22. Except as otherwise provided, 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 economic development; creating the "Florida Emerging and Strategic Technologies Act"; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information

technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an 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; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing legislative intent related to the consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring Enterprise Florida, Inc., to provide initial staff support to the Florida Research Consortium; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide such services to Workforce Florida, Inc.; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the pilot program; directing the agency to provide such services to Workforce Florida, Inc.; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term "digital media"; requiring a report to the Legislature on recommended funding levels for such facilities; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations; providing effective dates.

WHEREAS, Enterprise Florida, Inc., has sector strategies devoted to Florida's health technology industry and information technology industry, and

WHEREAS, the health technology industry and information technology industry represent valued and growing sectors of Florida's economy, and

WHEREAS, these industries employ Floridians at high average wages, and

WHEREAS, these industries are dominated by small employers and entrepreneurs who look to the state, its communities, economic develop-

ment organizations, and community colleges and universities to provide an environment that will nurture their development, and

WHEREAS, these industries have identified issues relating to workforce development, transfer of technology from universities, availability of capital, and economic development marketing and programs as affecting their viability and development, and

WHEREAS, the issues affecting the viability and development of these industries are also critical to other emerging and strategic high-technology industries that are critically important to the economic development of the state in the New Economy, and

WHEREAS, high-technology industries improve the quality of life for all Floridians, and

WHEREAS, the Florida Legislature recognizes the importance of high-technology industries to our state, NOW, THEREFORE,

Pursuant to Rule 4.19, CS for SB 1750 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

LOCAL BILL CALENDAR

SB 510—A bill to be entitled An act relating to Volusia County; directing the Board of County Commissioners to issue a certificate of public convenience and necessity to an applicant for licensure as a basic life support or advanced life support service that will operate in a municipality within the county that has a population greater than 30,000 upon request of the municipality, under specified conditions; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote SB 510 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Miller, by two-thirds vote HB 559 was withdrawn from the Committees on Education; and Rules and Calendar.

On motion by Senator Miller—

HB 559—A bill to be entitled An act relating to the Pinellas County School District; providing for a seven-member district school board, with four members elected from single-member districts and three members elected from the county at large, notwithstanding the provisions of s. 230.061, s. 230.10, or s. 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general election; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member districts; providing for a referendum; providing effective dates.

—a companion measure, was substituted for SB 1270 and read the second time by title. On motion by Senator Miller, by two-thirds vote HB 559 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Mr. President, Brown-Waite, Campbell, Clary, Bronson, Burt, Carlton, Constantine

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

Nays—None

SB 1888—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 99-474, Laws of Florida, as amended by chapter 2000-470, Laws of Florida; converting said act as amended to an ordinance of the City of Pensacola; revising definitions; revising provisions relating to designation of employee contributions; revising provisions relating to refund of contributions with less than 10 years of credited service; revising provisions relating to disability injury or illness in line of duty and for disability injury or illness not in the line of duty; revising provisions relating to other benefit provisions; providing for protection of benefits from legal process; revising provisions for investment of funds; providing for repeal of conflicting laws; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (525918)(with title amendment)—On page 8, line 29 through page 9, line 12, delete those lines and redesignate subsequent sections

And the title is amended as follows:

On page 1, lines 17 and 18, delete those lines and insert: provisions; revising

Amendment 2 (363950)—On page 11, lines 25-27, delete those lines and insert:

Section 9. Chapter 99-474, Laws of Florida, as amended by chapter 2000-470, Laws of Florida, as amended by this act is converted to an ordinance of the City of Pensacola on the

On motion by Senator Peaden, by two-thirds vote SB 1888 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 1892—A bill to be entitled An act relating to the Civil Service System of the City of Pensacola, Escambia County, Florida; converting chapter 84-510, Laws of Florida, as amended by chapters 88-537, 86-447, and 90-473, Laws of Florida, into an ordinance of the City of Pensacola; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote SB 1892 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 1990—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s. 3(B), chapter 23559, Laws of Florida, 1945, as amended; providing for membership in Division B of the General Employees' Retirement Plan; amending s. 7, chapter 23559, Laws of Florida, 1945, as amended; providing for certain employees to elect to receive credit in the General Employees' Retirement Plan under certain conditions; amending s. 17, chapter 23559, Laws of Florida, 1945, as amended; providing for certain elective officers, department heads, and appointive officers to elect to receive credit in the General Employees' Retirement Plan under certain conditions; repealing chapter 86-405, Laws of Florida, and all other laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **SB 1990** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 1996—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to provide for an increase in the accrual of benefits from 2.5 percent to 2.75 percent for each year of service; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (170520)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. The City of Tampa is authorized and empowered to enter into a supplemental contract with each and every firefighter or police officer who was an active or contributing member of the City Pension Fund for Firefighters and Police Officers in the City of Tampa on or after the date this act becomes a law, or who may hereafter enter into a pension contract with the City, amending Section 2(D), Section 6(3), and Section 27 of the City of Tampa Firefighters and Police Officers Pension Contract as prescribed by Section 28-17 of the City of Tampa Code [Ordinance No. 4746-A, enacted September 30, 1969], as amended by section 28-19 of the City of Tampa Code [Ordinance No. 6038-A, enacted September 17, 1974] pursuant to chapter 74-613, Laws of Florida, as further amended by chapter 92-231, Laws of Florida, chapter 94-463, Laws of Florida, chapter 98-515, Laws of Florida, and chapter 2000-485, Laws of Florida, to read:

Section 2(D) *Except as provided by subparagraph 2(B)(4) and subparagraph 27(B)(2), the employees covered under this contract shall contribute at the rates set forth below, based upon all of their earnings during each twelve month period commencing on October 1, which contributions shall be deducted from said earnings before the same are paid and shall be promptly deposited in the Fund:*

Earnings in Twelve-Month Period Commencing October 1	Employee Contribution Rate
First \$4,000	6%
Next 1,000	7%
Next 1,000	8%
Next 1,000	9%
Next 1,000	10%
Next 1,000	11%
Next 1,000	12%
Next 2,500	15%
Excess over \$12,500	25%

If the City's rate of contribution, pursuant to Section 2(B), should exceed forty per centum (40%), the employee contribution scale above shall be increased in the ratio of the City's contribution rate, pursuant to Section 2(B), to 40 percent.

Commencing for earnings paid the first pay date after January 1, 2002, all mandatory employee contributions to the Fund shall be picked-up and paid by the City. Such contributions, although designated as employee contributions, will be paid by the City in lieu of contributions by the employee. The contributions so assumed shall be treated as tax-deferred employer "pick-up" contributions pursuant to Section 414(h) of the Internal Revenue Code. Members shall not have the option of receiving the contributed amounts directly instead of having such contributions paid by the City to the Fund.

Section 6(3) That the portfolio, representing the principal or surplus funds of the Pension Fund may be invested in the following securities or other property, real or personal, including, but without being limited to, bonds, notes, or other evidences of indebtedness issued, or assumed or guaranteed in whole or in part by the United States or any of its agencies or instrumentalities; or by the ~~Dominion of Canada or any of its provinces, cities or municipal corporations;~~ any foreign government or political subdivisions or agencies thereof; or by the State of Florida, or by any county, city, school district, municipal corporation, or other political subdivision of the State of Florida, both general and revenue obligations; in mortgages and other interests in realty; or in such corporation bonds, notes, or other evidences of indebtedness, and corporation stocks including common and preferred stocks, of any corporation created or existing under the laws of the United States or any of the states of the United States, or ~~of the Dominion of Canada, of any foreign government or political subdivisions or agencies thereof,~~ provided that in making each and all of such investments the Board of Trustees shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own funds, not in regard to speculation but in regard to the permanent disposition of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as probable safety of their capital; provided, however, that not more than sixty-five per centum (65%) of said fund, based on the total book value of all investments held, shall be invested at any given time in common stocks, and that not more than five per centum (5%) of said fund shall be invested at any given time in the preferred and common, or either, stock of any one corporation and its affiliates *and that not more than ten per centum (10%) of said fund, based on the total book value of all investments held, shall be invested at any given time in the bonds, notes or other evidences of indebtedness of any foreign government or political subdivisions or agencies thereof or corporations created or existing under the laws thereof.*

Section 27. **13TH CHECK PROGRAM.**—Notwithstanding any other provisions of this contract, and subject to the provisions of this section, the 13th Check Program is a program which authorizes the Board of Trustees to establish and make a supplemental pension distribution ~~commencing in January 1999, and in January of each year thereafter,~~ pursuant to the following terms and conditions:

(A) *Eligibility.*—The following persons shall be eligible for the supplemental pension distribution payable *no later than June 30, 2002, and each June 30 annually thereafter:* ~~in January of each year:~~

(1) All retired members who have terminated employment as a firefighter or police officer in the fire department or police department, respectively, who, on the October 1 immediately preceding the *June 30 by January* in which distributions are to be made, were eligible to receive pension benefits for at least 1 year. For purposes of this section only, a DROP participant shall be considered a retired member and, during the DROP calculation period, a DROP participant shall be eligible for the 13th check benefit, provided that, on the October 1 immediately preceding the *June 30 by January* in which distributions are to be made, such DROP participant had participated in the DROP for at least 1 year;

(2) All qualifying spouses who were eligible to receive pension benefits pursuant to Section 8 or Section 9 for at least 1 year on the October 1 immediately preceding the *June 30 by January* in which distributions are to be made; and

(3) All qualifying surviving spouses, who on the October 1 immediately preceding the *June 30 by January* in which distributions are to be made, were eligible for receipt of Section 8 or Section 9 benefits but who have not received such pension benefits for at least 1 year provided that the deceased member was eligible for receipt of pension benefits on October 1 of the prior year.

(B) *13th Check Account.*—

(1) There is hereby created a 13th check account within the Fund, which shall consist of those employees' contributions set forth in subparagraph 27(B)(2) and the City's contributions set forth in subparagraph 27(B)(3) in excess of those contributions otherwise required by Section 2 for the normal annual cost of benefits, other than benefits arising from post retirement adjustments made pursuant to Section 23 and other than benefits arising from the 13th Check Program, plus any interest earnings thereon up to and including September 30, 2001. Effective for earnings paid on the first pay date after October 1, 2001, employee contributions to the 13th Check Account shall cease, and the 13th Check Account shall be funded by investment returns in excess of 10% (limited to 3%) on the base plan liabilities for persons eligible for the 13th check. For purposes of this Section, the "base plan" shall mean those assets of the Fund excluding the Post Retirement Adjustment Account, DROP account assets, and the 13th check account. The amount available for the 13th check shall be calculated as of fiscal year end commencing September 30, 2001 for the fiscal year ending September 30, 2001 for payment no later than June 30, 2002, and each June 30 annually thereafter; provided, however, the calculation of the amount payable no later than June 30, 2002, shall include employee contributions to the 13th check account for earnings paid through the last pay date immediately prior to October 1, 2001. The City shall not be required to make contributions toward the 13th check program.

(2) Notwithstanding any other provision of this contract, commencing October 1, 1998, employees covered under this contract shall continue to contribute pursuant to Section 2 at the rates required for employees to fund the normal annual cost of benefits, other than benefits arising from post retirement adjustments made pursuant to Section 23 and other than benefits arising from the 13th check program made pursuant to this section, plus an additional 100 percent of 9.874 percent of the full scale contribution rate (FSCR) set forth in Section 2(D) to the 13th check program. Employee contributions to the 13th check shall cease effective for earnings paid on the last pay date immediately prior to October 1, 2001.

(3) ~~Notwithstanding any other provision of this contract, the City shall contribute:~~

(a) ~~An amount required to fund the normal annual cost of benefits, other than benefits arising from post retirement adjustments made pursuant to Section 23 and other than benefits arising from the 13th check program made pursuant to this section, plus;~~

(b) ~~Commencing October 1, 2001, to the 13th check program, 134 percent of 9.874 percent of the full scale contribution rate (FSCR) for employees set forth in Section 2(D); provided, however, if the sum of the City's contribution for the normal annual cost of benefits plus the 134 percent of 9.874 percent of the full scale contribution rate (FSCR) is greater than 134 percent of 28.789 percent of the full scale contribution rate (FSCR), then the City's contribution to the 13th check program shall be the positive difference between 134 percent of 28.789 percent of the full scale contribution rate (FSCR) and the amount set forth in~~

~~subparagraph 27(B)(3)(a) 134 percent of the normal annual cost of benefits of the full scale contribution rate (FSCR) for employees set forth in Section 2(D)], but no less than 134 percent of 3 percent of the full scale contribution rate (FSCR).~~

~~(4) Notwithstanding any other provision of this contract, the City's contributions to the 13th check program shall not require the City to make additional contributions to the 13th check program to reimburse the 13th check account for the contributions the City would have otherwise made to the 13th check program had it contributed thereto for the period of October 1, 1998, through September 30, 2001.~~

(C) *Amount of the 13th Check.*—The amount of the 13th check shall be determined as follows:

(1)(a) The amount of the 13th check shall be the same for all retired members, regardless of years of service, age, years retired, or monthly installment.

(b) All eligible surviving spouses shall be entitled to 50 percent of what the eligible retired member would have received but for death.

(c) If a retired member is eligible on October 1 but dies before payment of the 13th check by the following *June 30 January*, the retired member's spouse shall receive the full amount of the payment, and if there is no surviving spouse, the retired member's designated beneficiary or beneficiaries, or if none, the retired member's estate shall receive the payment.

(2) The Board of Trustees shall establish by rule adopted no later than *May 31, 2002, and each May 31 thereafter; December 15, 1998*, the amount of the 13th check funded pursuant to Section 27(B)(1), subject to the following:

(a) The amount of the 13th check, or a method for calculating the amount of the 13th check in a manner that is definitely determinable and in accordance with the requirements of the Internal Revenue Code applicable to a qualified governmental plan; and

(b) Certification by the Fund's actuary that the amount of the payment will be funded on a sound actuarial basis as required by Section 14, Article X of the State Constitution.

(D) *Conflict of Laws.*—To the extent that any provision of this section is in conflict with sections 112.60-112.67, Florida Statutes, or those provisions of chapters 175 and 185, Florida Statutes, that apply to local law plans established by municipal ordinance or special act, or provisions of Florida Statutes made applicable to pension funds established by special act, or to the extent that any provision of this section would result in the loss of tax exempt status of the Pension Fund, the Board of Trustees is hereby delegated the authority to adopt by rules changes to this section in order to comply with said laws, which shall have the force of law and shall be considered part of this pension contract.

(E) *Administration of Program.*—The Board of Trustees shall make such rules as are necessary for the effective and efficient administration of this section, provided that such rules are not inconsistent with the terms of any collective bargaining agreement entered into by the City and the certified bargaining agents for firefighters and police officers concerning the 13th Check Program. Notwithstanding any other provision of this section to the contrary, any provision of this section shall be construed and administered in such manner that such program will qualify as a qualified governmental pension plan under existing or hereafter enacted provisions of the Internal Revenue Code of the United States, and the Board of Trustees may adopt any rule to accomplish the purpose of this section as is necessary to retain tax qualification, which rules shall have the force of law and shall be considered part of this pension contract.

Section 2. This act is only an enabling act, and the execution by the City of Tampa of the aforesaid supplemental contract and entitlement to the pension benefits referred to in this act for all firefighters and police officers, regardless of whether or not in the respective certified bargaining unit for firefighters or police officers, is contingent upon contractual agreement through the collective bargaining process between the City of Tampa and each of the respective certified bargaining agents for firefighters and police officers.

Section 3. The City of Tampa Firefighters and Police Officers Pension Contract as prescribed by Section 28-17 of the City of Tampa Code

[Ordinance No. 4746-A, enacted September 30, 1969], as amended by Section 28-19 of the City of Tampa Code [Ordinance No. 6038-A, enacted September 17, 1974], pursuant to chapter 74-613, Laws of Florida; as further amended by Ordinance No. 89-314, enacted December 21, 1989, and approved, ratified, validated, and confirmed by chapter 90-391, Laws of Florida; and as further amended by chapter 92-231, Laws of Florida, chapter 94-463, Laws of Florida, chapter 98-515, Laws of Florida, and chapter 2000-485, Laws of Florida, is in all other respects approved, ratified, validated, and confirmed.

Section 4. The benefits provided for herein by Section 1 and the changes to the pension contract provided for herein by Section 1 for active and contributing members on the date this act becomes a law shall be made available in one supplemental pension contract, and a member shall not be permitted to select some of said benefits and reject others of said benefits. Any active or contributing member on the date this act becomes a law who fails to sign said supplemental pension contract before October 1, 2001, shall be forever barred from receiving said benefits and shall not be required to make any contributions required as a result of such benefits. However, any person who becomes a member of the City Pension Fund for Firefighters and Police Officers in the City of Tampa on or after the date this act becomes a law, shall be required as a condition of membership into said pension fund to sign a pension contract which includes the provisions of Section 1, and shall be required to make the contributions required as a result of such benefits.

Section 5. Notwithstanding the provisions of Section 1, the distribution of the 13th check commencing no later than June 30, 2002, shall be payable within 30 days of receipt of a favorable determination letter from the Internal Revenue Service that the revised 13th check program does not adversely impact the tax qualification of the plan, but no earlier than June 30, 2002.

Section 6. If the City of Tampa enters into a supplemental pension contract as provided in Section 1 of this act, each retired firefighter and retired police officer who is living on the date this act becomes a law, and each member who retires or dies after this act becomes a law, but before October 1, 2001, and each qualifying surviving spouse, who is living on the date this act becomes a law, is entitled to receive the same benefits from the 13th check account upon the same basis as if the member's contract had been supplemented in the manner provided by Section 1 of this act before the member's separation from service; provided however said retired firefighter, retired police officer and eligible surviving spouse as a condition of participation in the 13th check program shall be subject to the provisions of Section 6(3) and Section 24 of the pension contract.

Section 7. This act shall take effect upon becoming a law. And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to provide for an employer pick-up provision so that employee pension contributions can be made on a pre-tax basis; providing for additional authorized investments; restructuring the 13th Check Program; providing an effective date.

On motion by Senator Crist, by two-thirds vote **SB 1996** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Saunders	Silver	Sullivan	Wasserman Schultz
Sebesta	Smith	Villalobos	Webster

Nays—None

On motion by Senator Crist, consideration of **SB 1998** was deferred.

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

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendments which were moved by Senator Dawson and adopted:

Amendment 1 (404324)—On page 1, line 18, delete "or" and insert: *and*

Amendment 2 (105798)—On page 1, line 22 of the bill, after the period (.) insert: *The local government also must have considered the proposed development's impacts on the Florida Intrastate Highway System, as defined in section 338.001, Florida Statutes.*

On motion by Senator Dawson, by two-thirds vote **SB 2274** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

DISCLOSURE

I am a salaried employee of, and the Director of Career Placement for, the Health Professions Division of Nova Southeastern University.

Senate Bill 2274 and its companion bill, HB 869, are local bills that authorize local governments in Broward County to grant an exemption from concurrency requirements for transportation facilities for certain developments.

In an abundance of caution, pursuant to Senate Rule 1.39, I am disclosing that SB 2274 (2001) and/or its companion, HB 869 (2001), could be construed to be of special benefit to my employer.

Once disclosed, it is my duty to vote on final passage of either of these local bills, pursuant to Senate Rule 1.20.

Debbie Wasserman Schultz,
32nd District

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

6, 2000; providing for retroactive application; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2276** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **SB 2296** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **SB 2304** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 2310—A bill to be entitled An act relating to the City of Pompano Beach, Broward County; amending chapter 2000-476, Laws of Florida; providing for an interlocal agreement which would include provisions to jointly fund program infrastructure improvements between the City of

Pompano Beach and Broward County, provided the city is not limited in its ability to receive anticipated utility taxes, franchise fees, or other fees; providing that calculations of population census of the City of Pompano Beach begin with the fiscal year 2000 and include all new residents added to the city as a result of chapter 2000-476, Laws of Florida; providing for retroactive application to September 15, 2000; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2310** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **SB 2326** was deferred.

SB 2340—A bill to be entitled An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands within said corporate limits; providing for land use and zoning designations; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2340** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 2342—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale; providing for annexation of the unincorporated area known as Melrose Park; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing legislative intent; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2342** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

SB 2354—A bill to be entitled An act relating to the Manatee County Mosquito Control District; codifying, reenacting, amending, and repealing special acts relating to the district; providing a charter; providing for formation as an independent special district; providing boundaries of the district; providing for the election of commissioners and operation of the district in accordance with ch. 388, F.S.; providing for district powers, functions, and duties; providing for construction and effect; providing for an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **SB 2354** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Miller, consideration of **SB 2356** and **SB 2358** was deferred.

SB 2374—A bill to be entitled An act relating to Broward County; extending the corporate limits of the Town of Lauderdale-By-The-Sea; prescribing procedures for calculating revenues attributable to utility taxes, utility franchise fees, and other franchise fees; providing for the town to collect franchise fees and utility taxes collected by the county from a specified unincorporated area; providing for an interlocal agreement between Broward County and the Town of Lauderdale-By-The-Sea; providing for the effective date of annexation; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2374** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 2382—A bill to be entitled An act relating to Broward County; providing for codification of special laws regarding special districts pursuant to section 189.429, F.S., relating to the Sunshine Water Control District; a special district in Broward County; providing legislative in-

tent; amending, repealing, codifying, and reenacting the special act related to the district; declaring the District to be an independent special district; providing a district charter; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 2382** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 115—A bill to be entitled An act relating to the City of Marathon, Monroe County; authorizing the city to exercise its police powers and jurisdiction extending 1,200 feet into the tidal waters adjacent to its established corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 115** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Dawson

CS for HB 479—A bill to be entitled An act relating to the Rainbow Lakes Estates Municipal Service District, an independent special district of the State of Florida in Marion and Levy Counties; codifying the district's charter, chapter 69-1298, Laws of Florida, as amended, pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Rainbow Lakes Estates Municipal Service District as a single act; repealing all prior special acts related to the Rainbow Lakes Estates Municipal Service District; providing an effective date.

—was read the second time by title. On motion by Senator Mitchell, by two-thirds vote **CS for HB 479** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Saunders Silver Sullivan Wasserman Schultz
 Sebesta Smith Villalobos Webster
 Nays—None

HB 585—A bill to be entitled An act relating to Martin County; amending sections 1, 2, 3, and 4 of chapter 65-1906, Laws of Florida, as amended; revising authority of the Board of County Commissioners to levy a tax for indigent health care; revising the name of the fund into which the tax is paid; revising the uses of the fund; revising requirements relating to disbursements from the fund and unexpended balances in the fund; revising the name of the review board and the hospital board; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 585** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 763—A bill to be entitled An act relating to Monroe County; amending chapter 69-1191, Laws of Florida, as amended; revising provisions relating to the Utility Board of the City of Key West; authorizing the board to sell tangible personal property related to its utility services under certain circumstances; providing for salaries of board members to be set by resolution; authorizing the board to extend beyond the limits of Monroe County any public utilities under its jurisdiction under certain circumstances; providing for issuance of refunding revenue bonds by the board; authorizing the board to issue commercial paper notes and variable rate bonds and enter into interest rate swap transactions; revising notice provisions relating to sale of bonds; providing for sale of bonds at competitive or negotiated sale rather than public sale; revising eligibility requirements for a special utility rate; authorizing the board to make expenditures for advertising the utility system; authorizing the board to expend funds for emergency purchases; changing a time period for delivery of annual audits to the City Commission of the City of Key West; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 763** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 775—A bill to be entitled An act relating to Collier Mosquito Control District, an independent special tax district in Collier County, Florida; ratifying and confirming the creation of Collier Mosquito Control District pursuant to chapter 390, F.S. (1949), as an independent

mosquito control district; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S.; providing legislative intent; providing for applicability of chapters 388 and 189, F.S., and other general laws; providing a district charter; providing for amended district boundaries on October 1, 2001; providing for liability and group insurance; providing for repeal of prior special acts related to Collier Mosquito Control District; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 775** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 777—A bill to be entitled An act relating to Hillsborough County; compiling, codifying, and revising chapter 83-423, Laws of Florida, as amended, relating to the Public Transportation Commission; removing gender-specific references; providing legislative intent; protecting the rights of commission employees; creating the commission; providing the commission is an independent special district; prohibiting discriminatory practices; providing for, amending, and adding definitions; providing for the composition of the commission and its procedures; providing for, amending, and adding mandatory and discretionary powers, including the addition of civil penalties and an automatic lien under certain circumstances; providing for commission staff; providing for and amending an application for certificate process, including establishing public convenience and necessity and procedures for resubmission upon denial; providing for a public vehicle driver's license and adding that a person convicted of being a sexual offender or sexual predator may be denied such licensure and that any such licensure must be revoked upon conviction as a sexual offender or sexual predator; providing penalties; adding provisions relating to citations, administrative hearings in connection with citations, and appeals procedures; adding procedures relating to variances and waivers and an appeals procedure; providing for county responsibility in funding the commission; adding a provision relating to recodification; adding a limited savings clause for rules of the commission; providing for dissolution; providing a severance clause; repealing chapters 83-423, 87-496, 88-493, 95-490, and 2000-441, Laws of Florida, relating to the public transportation commission; providing a savings clause; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 777** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 799—A bill to be entitled An act relating to the Barron Water Control District, an independent special district in Glades County and

Hendry County, codifying the District's charter pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting the special laws relating to the Barron Water Control District as a single act; declaring the status of the District; providing for the corporate life of the District and the term of office of the supervisors of the District; repealing chapters 84-436 and 2000-416, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Geller, by two-thirds vote **HB 799** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 845—A bill to be entitled An act relating to the West Lauderdale Water Control District; repealing section 9.02 of chapter 96-472, Laws of Florida; providing for the dissolution of the West Lauderdale Water Control District on a specified date; providing for the assumption of its assets and liabilities by the Bonaventure Development District; providing for continuance of certain contracts; providing for limitations and restrictions on the use of the assets and revenues of the West Lauderdale Water Control District; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 845** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 847—A bill to be entitled An act relating to the Dog Island Conservation District, Franklin County; providing for codification of special laws relating to the Dog Island Conservation District; providing legislative intent; codifying and reenacting chapters 75-374, 79-461, and 84-430, Laws of Florida; providing for the repeal of all prior special acts related to the Dog Island Conservation District; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 847** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

HB 849—A bill to be entitled An act relating to Pinellas County; amending chapter 80-585, Laws of Florida, as amended; increasing the number of members of the Emergency Medical Services Authority required for a quorum from three to four; correcting terminology; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 849** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 851—A bill to be entitled An act relating to the Hillsborough County Hospital Authority; amending subsection (10) of section 5, relating to facilitating an employee advisory committee, subsection (2) of section 6, relating to an employee advisory committee, subsection (3) of section 7, relating to reimbursement for services to indigents, and section 9, relating to parking and office facilities of chapter 96-449, Laws of Florida; providing that those subsections and section are applicable only when a hospital is operated by the hospital authority; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 851** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 857—A bill to be entitled An act relating to Palm Beach County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to Highland Glades Water Control District, a special tax district in Palm Beach County; providing legislative intent; codifying and reenacting special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 8885 (1921) and 89-466, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 857** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 859—A bill to be entitled An act relating to Gladeview Water Control District, an independent special tax district in Palm Beach County; providing legislative intent; codifying, reenacting, amending, and repealing special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 859** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 863—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 71-580, Laws of Florida, as amended; increasing the board of supervisors to a total of five members; providing for elections by electors residing within the district; providing for regular and special board meetings instead of landowner meetings; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 863** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 867—A bill to be entitled An act relating to Hillsborough County; providing that, notwithstanding any provision of general law, the Hillsborough County Tourist Development Council shall consist of 11 members; providing that the chair of the county governing board, or a designee, serves on the council; providing that an elected municipal official shall be appointed to the council from each municipality within the county; providing that seven members shall be persons involved in the tourist industry; providing that the additional members shall be appointed within 30 days of the effective date of this act; providing that terms of current members are not interrupted by change to council composition; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 867** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 873—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending section 16 of chapter 24981, Laws of Florida, as amended, relating to the West Palm Beach Police Pension Fund; revising the provision for age and service requirements for retirement; revising the provisions for early retirement; revising the provisions of the share accounts related to death of a member; revising the provisions of the deferred retirement option plan; revising the death benefit provisions; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 873** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 879—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; providing for codification of special laws relating to the South Indian River Water Control District; amending, codifying, reenacting, and repealing all prior special acts; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers and duties; providing minimum charter requirements in accordance with s. 189.404, F.S.; providing for construction and effect; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 879** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

HB 885—A bill to be entitled An act relating to Hillsborough County; amending chapter 98-499, Laws of Florida, relating to liens authorized by ordinance in favor of hospitals providing medical care, treatment, or maintenance to a patient, and in favor of the County when it pays for medical care, treatment, or maintenance of a patient; providing definitions; providing optional and mandatory components, both substantive and procedural, of any such implementing ordinance including establishing limitations on lien amounts, and providing for the treatment of other claims, noneconomic damages, and attorney's fees; requiring the ordinance to provide identical procedural remedies to hospitals and the County; providing for an offset for the cost of an insurance policy resulting in payment of any part of the lien amount; barring a lienholder or the lienholder's legal representative from additional compensation from the patient and others in relation to the charges covered by a lien; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote **HB 885** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 887—A bill to be entitled An act relating to Okaloosa County; amending chapter 99-478, Laws of Florida, relating to the Ocean City-Wright Fire Control District; providing for the annexation of certain unincorporated areas of Okaloosa County into the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 887** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 891—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; providing for the lease of certain submerged

lands to the city by the state; providing for the duration of the lease; specifying the amount of the lease; providing for the purpose of the lease; providing that the lease is contingent upon the city's acquisition of the pier situated upon the leased lands; providing additional terms of the lease; prohibiting transfer of lease without legislative action; providing for severability; requiring written submission of acceptance of terms to the Department of Environmental Protection; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 891** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Saunders

HB 897—A bill to be entitled An act relating to Clay County; providing for codification of special acts pursuant to s. 189.429, F.S., relating to the Clay County Development Authority, an independent special district; providing legislative intent; codifying, reenacting, and amending chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida; providing for minimum charter requirements; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida, 10 days after effective date of act; providing an effective date.

—was read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 897** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 901—A bill to be entitled An act relating to the City of Jacksonville; extending the operation of chapters 89-439 and 91-362, Laws of Florida, relating to the Council of the City of Jacksonville and the City of Jacksonville Environmental Protection Board, notwithstanding the board's scheduled expiration on October 1, 2001; providing for the use of procedures under chapter 120, Florida Statutes, including the hiring of administrative law judges, for proceedings involving air or water pollution in which the board seeks to impose a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **HB 901** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 903—A bill to be entitled An act relating to the Consolidated City of Jacksonville; creating and establishing separate airport and seaport authorities; providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure; providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees; establishing the separate authorities as county authorities; providing for participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; providing for transfer of assets and liabilities from the Jacksonville Port Authority to the separate seaport and airport authorities and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing certain existing local laws relative to the creation and operation of the Jacksonville Port Authority; providing for conforming amendments to sections 18.07 and 24.04, of chapter 92-341, Laws of Florida, being the Charter of the City of Jacksonville, to replace references to the Jacksonville Port Authority with references to the Jacksonville Seaport Authority and the Jacksonville Airport Authority; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 903** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 905—A bill to be entitled An act relating to the Pine Tree Water Control District, Broward County; codifying, repealing, amending, and reenacting special acts relating to the district; providing legislative intent; deleting gender specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 905** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

HB 911—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising certain death benefits; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 911** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 917—A bill to be entitled An act relating to Palm Beach County; amending chapter 90-445, Laws of Florida, as amended; providing for the uniform implementation, interpretation, and enforcement of building code requirements pursuant to the Florida Building Code; providing and amending definitions; providing for enforcement; providing for repeal of conflicting laws; providing for interpretation of codes and revision; deleting provisions relating to appointments; providing for authority for building code amendments; providing for amending provisions for product and system evaluation, including application fees and revocation and renewal of product and system compliance; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 917** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 919—A bill to be entitled An act relating to Escambia County; codifying, repealing, amending, and reenacting special laws relating to the Escambia County Utilities Authority; providing legislative intent; declaring the authority to be an independent special district; restoring words inadvertently omitted in the preparation of House Bill 1517, which was enacted as chapter 97-364, Laws of Florida; repealing obsolete provisions; deleting gender-specific references; providing a district charter; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 919** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 927—A bill to be entitled An act relating to Pinellas Park Water Management District, Pinellas County; providing for codification of special laws relating to Pinellas Park Water Management District pursuant to s. 189.429, F.S.; providing legislative intent; amending, repealing, codifying, and reenacting special acts relating to the district; providing a title; providing definitions; providing for creation of the Pinellas Park Water Management District Authority and amendment of its charter; providing for a governing body for the authority; providing for reimbursement of expenses pursuant to s. 112.061, F.S.; providing duties and powers; providing for a budget; providing boundaries of the authority; providing for elections and referenda; providing for amendment of authority boundaries; providing tax exemptions; providing construction and effect; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 927** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 929—A bill to be entitled An act relating to the Rupert J. Smith Law Library of Saint Lucie County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to the Rupert J. Smith Law Library of Saint Lucie County; providing legislative intent; codifying, amending, and reenacting chapter 57-1790, Laws of Florida, as amended; declaring the district to be an independent special district; providing a district charter; repealing chapters 57-1790, 71-895, 83-512, and 88-516, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 929** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Saunders	Silver	Sullivan	Wasserman Schultz
Sebesta	Smith	Villalobos	Webster

Nays—None

HB 931—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Coral Springs Improvement District; codifying, reenacting, amending, and repealing special acts relating to the Coral Springs Improvement District; providing legislative intent; deleting gender-specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **HB 931** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 937—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 4 of chapter 15425, Laws of Florida, 1931, as amended; providing for clarification of the qualifications for a candidate for election to or appointment to fill a vacancy on the city council; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 937** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 939—A bill to be entitled An act relating to Escambia County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the Pensacola-Escambia Governmental Center Authority, a special district in Escambia County; providing legislative intent; amending, repealing, codifying, and reenacting special acts related to the district; declaring the Authority to be a dependent special district; providing a district charter; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 939** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 941—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; clarifying exemptions provided in the Charter of the City of Jacksonville to the civil service status of designated positions; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 941** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 943—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending chapter 2000-393, Laws of Florida, to include specific authorization of the imposition, collection, and use of impact fees as provided in chapter 191, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Geller, by two-thirds vote **HB 943** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 945—A bill to be entitled An act relating to the Solid Waste Authority of Palm Beach County, a dependent special district in Palm Beach County; codifying the Authority's charter, chapter 75-473, Laws of Florida, as amended, pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Solid Waste Authority of Palm Beach County as a single act; providing a short title; providing declaration of legislative intent; providing for application to incorporated and unincorporated areas; providing definitions; providing purposes and powers; providing exemption from

taxation; providing prohibition, permits, and penalty; providing enforcement; providing injunctive relief; providing judicial review; providing severability; repealing all prior special acts related to the Authority; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 945** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 975—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; amending s. 8, ch. 67-2070, Laws of Florida, as amended; increasing the threshold for requiring bids for the purchase of property and services; amending s. 3, ch. 67-2070, Laws of Florida, as amended; including additional property under the jurisdiction of the authority; amending s. 4, ch. 67-2070, Laws of Florida, as amended; providing that an affirmative vote of a majority of the members present at a meeting where there is a quorum shall be necessary for any action by the board; providing an effective date.

—was read the second time by title. On motion by Senator Laurent, by two-thirds vote **HB 975** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for HB 979—A bill to be entitled An act relating to Okaloosa County; creating and establishing an independent special district in said county to be known as the North Okaloosa Fire District; creating a charter; describing the district; prescribing its powers; providing for a board of fire commissioners; providing for compensation; requiring a bond; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing non-ad valorem assessments; authorizing the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing a penalty; ratifying actions previously taken; requiring certain notice of legal action; providing for a district expansion and merger; providing severability; providing for a referendum; providing an effective date.

—was read the second time by title.

Senator Clary offered the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (421154)(with title amendment)—On page 10, lines 8-29, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, delete line 21

On motion by Senator Peaden, by two-thirds vote **CS for HB 979** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1037—A bill to be entitled An act relating to the West Manatee Fire and Rescue District, Manatee County; amending chapter 2000-401, Laws of Florida; specifying that the rates provided in the schedule of non-ad valorem assessments are caps on the rates that may be levied without legislative approval; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1037** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1041—A bill to be entitled An act relating to the Fort Myers Beach Mosquito Control District, Lee County; providing legislative intent; providing for codification of the special acts relating to the District pursuant to s. 189.429, F.S.; codifying, reenacting, and amending all prior special acts relating to the District; codifying the several county resolutions relating to the District; providing a District charter; repealing all prior special acts relating to the District; providing an effective date.

—was read the second time by title. On motion by Senator Rossin, by two-thirds vote **HB 1041** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1115—A bill to be entitled An act relating to Brevard County; providing for codification of existing special laws relating to the creation, powers, and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, as provided in chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida, except as amended by this act; providing legislative purpose; amending definitions of “District,” “general obligation bonds,” and “revenue bonds”; amending scope of revenue sources allowed to be bonded; clarifying provisions relating to liens, collection, and foreclosure to include special assessments and stormwater management user fees; amending liability of District where lands are made available to public for outdoor recreational purposes, as defined therein; providing editorial revisions; establishing obstruction or impeding of a drainage canal or watercourse as a criminal offense; providing for civil damages for obstruction and impeding drainage canal or watercourse; amending, codifying, reenacting, and repealing chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida; re-creating the District and re-creating and reenacting the charter; providing an effective date.

—was read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 1115** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1125—A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality limitations for reuse systems; provides interim construction standards for new, expanded, or existing onsite sewage and disposal systems scheduled to be served by a central sewage facility before July 1, 2010; providing an effective date.

—was read the second time by title. On motion by Senator Garcia, by two-thirds vote **HB 1125** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1183—A bill to be entitled An act relating to the Englewood Area Fire Control District in Sarasota and Charlotte Counties; codifying, reenacting, amending, and repealing special laws relating to the district; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191 and 189, Florida Statutes, and other general laws; providing a district charter; providing boundaries; providing for a district board; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing salary of board members; providing for removal of board members; providing for revenue raising; providing for the levying of non-ad valorem assessments;

providing for capital improvement impact fees; providing severability; providing for liberal construction; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 1183** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1785—A bill to be entitled An act relating to the City of Satellite Beach, Brevard County; amending s. 1 of the city's charter; redefining the boundaries of the city; providing an effective date.

—was read the second time by title. On motion by Senator Bronson, by two-thirds vote **HB 1785** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1815—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing a revised definition of "disciplinary action"; providing an extended probationary period for entry-level communications dispatcher positions; expanding training program provisions; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1815** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1851—A bill to be entitled An act relating to the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire

Marshal Appeals Board; amending section 3 of chapter 85-461, Laws of Florida, as amended; providing a revised date of repeal; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1851** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1855—A bill to be entitled An act relating to the Holiday Park and Recreation District, Sarasota County; amending, codifying, reenacting, and repealing special acts relating to the district; providing boundaries of the district; providing for a Board of Trustees; providing for election and organization of the board; providing powers and duties of the board; providing for a tax; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 1855** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1857—A bill to be entitled An act relating to Tri-Par Estates Park and Recreation District, Sarasota County; codifying, reenacting, amending, and repealing special acts relating to the district; providing a charter; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 1857** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Saunders Silver Sullivan Wasserman Schultz
 Sebesta Smith Villalobos Webster
 Nays—None

HB 1859—A bill to be entitled An act relating to Collier County; amending ch. 67-1246, Laws of Florida; amending the scope of the act to authorize a county hearing examiner program; amending definitions; amending the functions, powers, and duties of the planning commissions; amending provisions relating to supplementing and amending the zoning ordinance; amending the powers and duties of the board of zoning appeals; amending provisions relating to appeal from a decision of an administrative official; providing the procedure for establishing a county hearing examiner program; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1859** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1887—A bill to be entitled An act relating to Okaloosa County; providing legislative findings; describing a portion of the Dorcas Fire District to be annexed into the North Okaloosa Fire District; providing a contingent effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1887** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1897—A bill to be entitled An act relating to Okaloosa County; amending ch. 90-412, Laws of Florida; changing the name of the Fort Walton Beach Area Bridge Authority to the Emerald Coast Bridge Authority; reducing the number of members of the authority from seven to five; amending the method of appointment of members of the authority; changing the date by which the authority shall prepare and submit a budget; requiring the board of county commissioners to examine the budget in good faith; providing that this act does not abrogate current obligations and liabilities; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1897** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1899—A bill to be entitled An act relating to Marion County; prohibiting watercraft within specified areas of Lake Weir from proceeding at greater than “no-wake” speeds; requiring the board of county commissioners to erect signs; directing the Marion County Sheriff to enforce the prohibition; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **HB 1899** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1903—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, as amended, relating to the Escambia County Civil Service System; providing for the discretionary withdrawal of any local participating governmental agency or political subdivision from the Civil Service system; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (414840)(with title amendment)—On page 4, line 15 through page 5, line 3, delete those lines and insert:

7.2 Option to Withdraw from Civil Service. Upon the effective date of this act, the Supervisor of Elections, the Tax Collector, the Property Appraiser, the Clerk of the Court, and the District School Board may elect by a majority vote of the governing body, or for the four county constitutional officers specified herein, by written notice to the Civil Service Board, to withdraw from the Civil Service system, in which case the local board or county constitutional officer shall be exempt from the provisions of chapter 83-405, Laws of Florida, as amended in all its parts. Additional Positions Eligible for Exemption. In addition to those positions described in paragraphs (a) through (s) in subsection 7.1, the following positions may, by rule of the Board, also be exempt from the career Civil Service:

And the title is amended as follows:

On page 1, lines 6 and 7, delete those lines and insert: withdrawal of certain constitutional officers and the District School Board

On motion by Senator Peaden, by two-thirds vote **HB 1903** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Vote after roll call:

Yea to nay—Clary

HB 629—A bill to be entitled An act relating to Citrus County; specifying rights of certain employees and appointees of the Citrus County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for career appeals boards; providing for appeals procedures; providing an effective date.

—was read the second time by title. On motion by Senator Mitchell, by two-thirds vote **HB 629** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 855—A bill to be entitled An act relating to Citrus County; amending chapter 99-442, Laws of Florida, the charter of the Citrus County Hospital Board; reducing the time a member may hold office on the board; revising borrowing authority of the board; revising provisions relating to indebtedness of the board; revising a provision relating to outstanding bonds payable from ad valorem taxes; repealing an obsolete provision; providing an effective date.

—was read the second time by title. On motion by Senator Mitchell, by two-thirds vote **HB 855** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 853—A bill to be entitled An act relating to Pinellas County; providing for the composition of members of the Pinellas County Tourist

Development Council appointed pursuant to section 125.0104, Florida Statutes, the “Local Option Tourist Development Act”; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 853** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 778, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 778—A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to the attorney-client privilege; providing for the confidentiality of certain records, proceedings and communications; providing an effective date.

House Amendment 1 (525319)(with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *Civil immunity.*—A person who in good faith reports information or takes action in connection with a lawyer assistance program or a person who receives information in connection with a lawyer assistance program is immune from civil liability for reporting the information, taking the action, or taking no action, provided that such person has acted in good faith and without malice.

Section 2. *Presumption of good faith.*—A member of a lawyer assistance program or a person reporting information to a lawyer assistance program is presumed to have acted in good faith and without malice. A person alleging lack of good faith has the burden of proving bad faith and malice.

Section 3. *Persons entitled to immunity.*—The civil immunity provided for in this act shall be liberally construed to accomplish the purposes of this act. The persons entitled to immunity under this act include:

(1) *Florida Lawyers Assistance, Inc., and other lawyer assistance programs approved by the Florida Supreme Court or The Florida Bar which provide assistance to attorneys who may be impaired because of abuse of alcohol or other drugs or because of any other physical or mental infirmity causing impairment.*

(2) *A member, employee, or agent of the program, association, or nonprofit corporation.*

(3) *A person who reports or provides information to the program concerning an impaired legal professional, including, but not limited to,*

a person designated to monitor or supervise the course of treatment or rehabilitation of an impaired professional.

Section 4. Information subject to privilege.—All privileged information, whether attorney-client, work product, or otherwise, in any form, furnished to the lawyer assistance program shall remain privileged.

Section 5. Confidentiality of records, proceedings, and communications.—The records, proceedings, and all communications by and between an individual seeking assistance and the lawyer assistance program shall be deemed confidential and shall not be subject to disclosure or available for court subpoena. This section does not prevent the subpoena of business records that are otherwise available through subpoena, nor does this section preclude release or disclosure of information or communications by the lawyer assistance program when such disclosure is mandated or required as a condition or precondition for entry in the program. Such records are not to be construed as privileged merely because they have been maintained by a lawyer assistance program.

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: everything before the enacting clause and insert in lieu thereof: A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to privilege; providing for the confidentiality of certain records, proceedings, and communications; providing an effective date.

On motion by Senator Rossin, the Senate concurred in the House amendment.

CS for SB 778 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1166, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

House Amendment 1 (050087)—On page 1, lines 23 and 24 remove from the bill: *State Board of Administration* and insert in lieu thereof: *department*

On motion by Senator Sebesta, the Senate concurred in the House amendment.

SB 1166 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1214, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1214—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term “related services”; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

House Amendment 1 (483633)(with title amendment)—remove from the bill: everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (7) of section 20.19, Florida Statutes, is amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(7) PROTOTYPE REGION.—

(c) The department is authorized to contract for children’s services with a lead agency in each county of the prototype area, except that the lead agency contract may cover more than one county when it is determined that such coverage will provide more effective or efficient services.

The duties of the lead agency shall include, but not necessarily be limited to:

1. Directing and coordinating the program and children's services within the scope of its contract.
2. ~~Providing or contracting for the provision of core services, including intake and eligibility, assessment, service planning, and case management. However, a lead agency may obtain approval from the department to provide core services, including intake and eligibility, assessment, service planning, and case management, upon a finding by the department that such lead agency is the only appropriate organization within the service district capable of providing such service or services within the department's quality assurance and performance standards.~~
3. Creating a service provider network capable of delivering the services contained in client service plans, which shall include identifying the necessary services, the necessary volume of services, and possible utilization patterns and negotiating rates and expectations with providers.
4. Managing and monitoring of provider contracts and subcontracts.
5. Developing and implementing an effective bill payment mechanism to ensure all providers are paid in a timely fashion.
6. Providing or arranging for administrative services necessary to support service delivery.
7. Utilizing departmentally approved training and meeting departmentally defined credentials and standards.
8. Providing for performance measurement in accordance with the department's quality assurance program and providing for quality improvement and performance measurement.
9. Developing and maintaining effective interagency collaboration to optimize service delivery.
10. Ensuring that all federal and state reporting requirements are met.
11. Operating a consumer complaint and grievance process.
12. Ensuring that services are coordinated and not duplicated with other major payors, such as the local schools and Medicaid.
13. Any other duties or responsibilities defined in s. 409.1671 related to community-based care.

Section 2. Present subsection (15) of section 39.402, Florida Statutes, is redesignated as subsection (16), subsection (9) is amended and a new subsection (15) is added to that section, to read:

(9) At any shelter hearing, *the department shall provide to the court a recommendation for scheduled contact between the child and parents, if appropriate. T*he court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child. *If visitation is ordered but will not commence within 72 hours of the shelter hearing, the department shall provide justification to the court.*

(10) The shelter hearing order shall contain a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to ensure the protection of the child in the home when such services are necessary for the child's health and safety.

(11) If a child is placed in a shelter pursuant to a court order following a shelter hearing, the court shall require in the shelter hearing order that the parents of the child, or the guardian of the child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The shelter order shall also require the parents to

provide to the department and any other state agency or party designated by the court, within 28 days after entry of the shelter order, the financial information necessary to accurately calculate child support pursuant to s. 61.30.

(12) In the event the shelter hearing is conducted by a judge other than the juvenile court judge, the juvenile court judge shall hold a shelter review on the status of the child within 2 working days after the shelter hearing.

(13) A child may not be held in a shelter under an order so directing for more than 60 days without an adjudication of dependency. A child may not be held in a shelter for more than 30 days after the entry of an order of adjudication unless an order of disposition has been entered by the court.

(14) The time limitations in this section do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child's attorney or the child's guardian ad litem, if one has been appointed by the court, and the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or legal custodian may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents or legal custodians; however, the petitioner shall continue regular efforts to provide notice to the parents or legal custodians during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

(15) *The department at the conclusion of the shelter hearing, shall make available to parents or legal custodians seeking voluntary services, any referral information necessary for participation in such identified services. The parents' or legal custodians' participation in the services shall not be considered an admission or other acknowledgement of the allegations in the shelter petition.*

~~(16)(15)~~ At the conclusion of a shelter hearing, the court shall notify all parties in writing of the next scheduled hearing to review the shelter placement. Such hearing shall be held no later than 30 days after placement of the child in shelter status, in conjunction with the arraignment hearing, and every 15 days thereafter until the child is released from shelter status.

Section 3. Present subsections (5), (6), and (7) of section 39.521, Florida Statutes are redesignated as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to that section, to read:

39.521 Disposition hearings; powers of disposition.—

(5)(a) *In districts 4, 11, and 12 and in the Suncoast Region of the department and, except as provided in s. 39.407, any child 11 years of age or older who has been in licensed family foster care for 6 months or longer and who is then moved more than once must be assessed for placement in licensed residential group care. The assessment procedures shall be conducted by the department or its agent and shall incorporate and address current and historical information from any psychological testing or evaluation that has occurred; current and historical information from the guardian ad litem, if one has been assigned; current and historical information from any current therapist, teacher, or other professional*

who has knowledge of the child and has worked with the child; information regarding the placement of any siblings of the child and the impact of the child's placement in residential group care on the child's siblings; the circumstances necessitating the moves of the child while in family foster care and the recommendations of the former foster families, if available; the status of the child's case plan and a determination as to the impact of placing the child in residential group care on the goals of the case plan; the age, maturity, and desires of the child concerning placement; the availability of any less restrictive, more family-like setting for the child in which the foster parents have the necessary training and skills for providing a suitable placement for the child; and any other information concerning the availability of suitable residential group care. If such placement is determined to be appropriate as a result of this procedure, the child must be placed in residential group care, if available.

(b) The results of the assessment described in paragraph (a) and the actions taken as a result of the assessment must be included in the next judicial review of the child. At each subsequent judicial review, the court must be advised in writing of the status of the child's placement, with special reference regarding the stability of the placement and the permanency planning for the child.

(c) Any residential group care facility that receives children under the provisions of this subsection shall establish special permanency teams dedicated to overcoming the special permanency challenges presented by this population of children. Each facility shall report to the department its success in achieving permanency for children placed by the department in its care at intervals that allow the current information to be provided to the court at each judicial review for the child.

(d) This subsection does not prohibit the department from assessing and placing children who do not meet the criteria in paragraph (a) in residential group care if such placement is the most appropriate placement for such children.

(e) By December 1 of each year beginning in 2001, the department shall report to the Legislature on the placement of children in licensed residential group care during the year, including the criteria used to determine the placement of children, the number of children who were evaluated for placement, the number of children who were placed based upon the evaluation, and the number of children who were not placed. The department shall maintain data specifying the number of children who were referred to licensed residential child care for whom placement was unavailable and the counties in which such placement was unavailable. The department shall include this data in its report to the Legislature due on December 1, so that the Legislature may consider this information in developing the General Appropriations Act.

(f) The provisions of this subsection shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.

Section 4. Subsection (1) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall privatize the provision of foster care and related services statewide. It is further the Legislature's intent to encourage communities and other stakeholders in the well-being of children to participate in assuring that children are safe and well-nurtured. However, while recognizing that some local governments are presently funding portions of certain foster care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by its privatization of foster care and related services that any county, municipality, or special district be required to assist in funding programs that previously have been funded by the state. Nothing in this paragraph prohibits any county, municipality, or special district from future voluntary funding participation in foster care and related services. As used in this section, the term "privatize" means to contract with competent, community-based agencies. The department shall submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the

provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which privatization cannot be accomplished within the 3-year timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total privatization, such as public-private partnerships. As used in this section, the term "related services" includes, but is not limited to, means family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, permanent foster care, and family reunification. Unless otherwise provided for, beginning in fiscal year 1999-2000, either the state attorney or the Office of the Attorney General shall provide child welfare legal services, pursuant to chapter 39 and other relevant provisions, in Sarasota, Pinellas, Pasco, Broward, and Manatee Counties. Such legal services shall commence and be effective, as soon as determined reasonably feasible by the respective state attorney or the Office of the Attorney General, after the privatization of associated programs and child protective investigations has occurred. When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the privatization project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.

(b) As used in this section, the term "eligible lead community-based provider" means a single agency with which the department shall contract for the provision of child protective services in a community that is no smaller than a county. The secretary of the department may authorize more than one eligible lead community-based provider within a single county when to do so will result in more effective delivery of foster care and related services. To compete for a privatization project, such agency must have:

1. The ability to coordinate, integrate, and manage all child protective services in the designated community in cooperation with child protective investigations.
2. The ability to ensure continuity of care from entry to exit for all children referred from the protective investigation and court systems.
3. The ability to provide directly, or contract for through a local network of providers, all necessary child protective services.
4. The willingness to accept accountability for meeting the outcomes and performance standards related to child protective services established by the Legislature and the Federal Government.
5. The capability and the willingness to serve all children referred to it from the protective investigation and court systems, regardless of the level of funding allocated to the community by the state, provided all related funding is transferred.
6. The willingness to ensure that each individual who provides child protective services completes the training required of child protective service workers by the Department of Children and Family Services.

7. The ability to maintain eligibility to receive all federal child welfare funds, including Title IV-E and IV-A funds, currently being used by the Department of Children and Family Services.

(c) 1. *If attempts to competitively procure services through an eligible lead community-based provider as defined in paragraph (b) do not produce a capable and willing agency, the department shall develop a plan in collaboration with the local community alliance. The plan must detail how the community will continue to implement privatization through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships. In the absence of a community alliance, the plan must be submitted to the President of the Senate and the Speaker of the House of Representatives for their comments.*

2.1. The Legislature finds that the state has traditionally provided foster care services to children who have been the responsibility of the state. As such, foster children have not had the right to recover for injuries beyond the limitations specified in s. 768.28. The Legislature has determined that foster care and related services need to be privatized pursuant to this section and that the provision of such services is of paramount importance to the state. The purpose for such privatization is to increase the level of safety, security, and stability of children who are or become the responsibility of the state. One of the components necessary to secure a safe and stable environment for such children is that private providers maintain liability insurance. As such, insurance needs to be available and remain available to nongovernmental foster care and related services providers without the resources of such providers being significantly reduced by the cost of maintaining such insurance.

3.2. The Legislature further finds that, by requiring the following minimum levels of insurance, children in privatized foster care and related services will gain increased protection and rights of recovery in the event of injury than provided for in s. 768.28.

(d) Other than an entity to which s. 768.28 applies, any eligible lead community-based provider, as defined in paragraph (b), or its employees or officers, except as otherwise provided in paragraph (e), must, as a part of its contract, obtain a minimum of \$1 million per claim/\$3 million per incident in general liability insurance coverage. In any tort action brought against such an eligible lead community-based provider, net economic damages shall be limited to \$1 million per claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such an eligible lead community-based provider, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76. The lead community-based provider shall not be liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.

(e) The liability of an eligible lead community-based provider described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such providers shall extend as well to each employee of the provider when such employee is acting in furtherance of the provider's business. Such immunities shall not be applicable to a provider or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same provider when each is operating in the furtherance of the provider's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a provider shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(f) Any subcontractor of an eligible lead community-based provider, as defined in paragraph (b), which is a direct provider of foster care and

related services to children and families, and its employees or officers, except as otherwise provided in paragraph (e), must, as a part of its contract, obtain a minimum of \$1 million per claim \$3 million per incident in general liability insurance coverage. In any tort action brought against such subcontractor, net economic damages shall be limited to \$1 million per claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such subcontractor, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76.

(g) The liability of a subcontractor of an eligible lead community-based provider that is a direct provider of foster care and related services as described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such subcontractor provider shall extend as well to each employee of the subcontractor when such employee is acting in furtherance of the subcontractor's business. Such immunities shall not be applicable to a subcontractor or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same subcontractor when each is operating in the furtherance of the subcontractor's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a subcontractor shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(h) The Legislature is cognizant of the increasing costs of goods and services each year and recognizes that fixing a set amount of compensation actually has the effect of a reduction in compensation each year. Accordingly, the conditional limitations on damages in this section shall be increased at the rate of 5 percent each year, prorated from the effective date of this paragraph to the date at which damages subject to such limitations are awarded by final judgment or settlement.

Section 5. Section 409.1676, Florida Statutes, is created to read:

409.1676 Comprehensive residential services to children who have extraordinary needs.—

(1) *It is the intent of the Legislature to provide comprehensive residential services, including residential care, case management, and other services, to children in the child protection system who have extraordinary needs, such as serious behavioral problems or having been determined to be without the options of either reunification with family or adoption. These services are to be provided in a residential group care setting by a not-for-profit corporation or a local government entity under a contract with the Department of Children and Family Services or by a lead agency as described in s. 409.1671. These contracts should be designed to provide an identified number of children with access to a full array of services for a fixed price.*

(2) *As used in this section, the term:*

(a) *"Residential group care" means a living environment for children who have been adjudicated dependent and are expected to be in foster care for at least 6 months with 24-hour-awake staff or live-in group home parents or staff. Beginning July 1, 2001, all facilities must be appropriately licensed in this state, and they must be accredited by July 1, 2005.*

(b) *"Serious behavioral problems" means behaviors of children who have been assessed by a licensed master's-level human-services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492(6) or s. 394.492(7). A child with an emotional disturbance as defined in s. 394.492(5) may be served in residential group care unless a determination is made by a mental health professional that such a setting is inappropriate.*

(3) *The department, in accordance with a specific appropriation for this program, shall contract with a not-for-profit corporation, a local*

government entity, or the lead agency that has been established in accordance with s. 409.1671 for the performance of residential group care services described in this section in, at a minimum, districts 4, 11, 12, and the Suncoast Region of the Department of Children and Family Services and with a not-for-profit entity serving children from multiple districts. A lead agency that is currently providing residential care may provide this service directly with the approval of the local community alliance. The department or a lead agency may contract for more than one site in a county if that is determined to be the most effective way to achieve the goals set forth in this section.

(4) The lead agency, the contracted not-for-profit corporation, or the local government entity is responsible for a comprehensive assessment, residential care, transportation, behavioral health services, recreational activities, clothing, supplies and miscellaneous expenses associated with caring for these children, for necessary arrangement for or provision of educational services, and for assuring necessary and appropriate health and dental care.

(5) The department may transfer all casework responsibilities for children served under this program to the entity that provides this service, including case management and development and implementation of a case plan in accordance with current standards for child protection services. When the department establishes this program in a community that has a lead agency as described in s. 409.1671, the casework responsibilities must be transferred to the lead agency.

(6) This section does not prohibit any provider of these services from appropriately billing Medicaid for services rendered, from contracting with a local school district for educational services, or from earning federal or local funding for services provided, as long as two or more funding sources do not pay for the same specific service that has been provided to a child.

(7) The lead agency, not-for-profit corporation, or local government entity has the legal authority for children served under this program, as provided in chapter 39 or this chapter, as appropriate, to enroll the child in school, to sign for a driver's license for the child, to co-sign loans and insurance for the child, to sign for medical treatment, and to authorize other such activities.

(8) The department shall provide technical assistance as requested and contract-management services.

(9) The provisions of this section shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.

Section 6. Section 409.1677, Florida Statutes, is created to read:

409.1677 Model comprehensive residential services programs.—

(1) As used in this section, the term:

(a) "Residential group care" means a living environment for children who have been adjudicated dependent and are expected to be in foster care for a minimum of 6 months with 24-hour-awake staff or live-in group home parents or staff. Beginning July 1, 2001, all facilities must be appropriately licensed in this state, and they must be accredited by July 1, 2005.

(b) "Serious behavioral problems" means behaviors of children who have been assessed by a licensed master's-level human services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492(6) or s. 394.492(7). A child with an emotional disturbance as defined in s. 394.492(5) may be served in residential group care unless a determination is made by a mental health professional that such a setting is inappropriate.

(2) The department shall establish a model comprehensive residential services program in Dade and Manatee Counties through a contract with the designated lead agency established in accordance with s. 409.1671 or with a private entity capable of providing residential group care and home-based care and experienced in the delivery of a range of services to foster children, if no lead agency exists. These model programs are to serve that portion of eligible children within each county which is specified in the contract, based on funds appropriated, to include a full array of services for a fixed price. The private entity or lead agency is responsible for all programmatic functions necessary to carry out the intent of this section.

(3) Each model must include:

(a) A focus on serving the full range of children in foster care, including those who have specialized needs, such as children who are unlikely to be reunited with their families or placed in adoptive homes; sibling groups; children who have serious behavioral problems; and children who are victims of sexual abuse.

(b) For each child who is in care, the provision of or arrangements for a comprehensive assessment; residential care; transportation; behavioral health services; recreational activities; clothing, supplies, and miscellaneous expenses associated with caring for these children; educational services; necessary and appropriate health and dental care; legal services; and aftercare services.

(c) A commitment and ability to find and use innovative approaches to address the problems in the traditional foster care system, such as high caregiver turnover, disrupted and multiple placements, runaway behavior, and abusive or nontherapeutic care.

(d) The provision of a full range of residential services tailored to the individual needs of each child in care, including group homes for initial assessment and for stabilization; professional and traditional foster homes; residential group care provided in a setting that is homelike and provides care in residences housing no more than 12 children and staffed with full-time, appropriately trained house parents; and independent living apartments. The programs are designed for children who must enter the foster care system, but the use of placement with relatives as part of a child's care is encouraged.

(e) The provision of the full range of administrative services necessary to operate the program.

(f) Specific eligibility criteria established in the contract, including a "no-reject-no-eject" commitment with the described eligible children, unless the court determines that the placement is not in a child's best interest.

(g) An ability, through its trained, multidisciplinary staff, to facilitate the achievement of the permanency goals of the children who are in care.

(h) The design and utilization of a retired-volunteer mentor program that would make use of the skills of retired individuals in helping to meet the needs of both the children in care and their caregivers.

(i) The willingness and ability to assume financial risk for the care of children referred to the program under the contract.

(j) The willingness and ability to serve as a research and teaching laboratory for departmental and community-based care programs throughout the state in an effort to improve the quality of foster care.

(4) This section does not prohibit any provider of these services from appropriately billing Medicaid for services rendered, from contracting with a local school district for educational services, or from earning federal or local funding for services provided, as long as two or more funding sources do not pay for the same specific service that has been provided to a child.

(5) The lead agency, not-for-profit corporation, or local government entity has the legal authority for children served under this program, as provided in chapter 39 or this chapter, as appropriate, to enroll the child in school, to sign for a driver's license for the child, to co-sign loans and insurance for the child, to sign for medical treatment, and to authorize other such activities.

(6) The department shall provide technical assistance as requested and contract-management services.

(7) The provisions of this section shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.

Section 7. Section 409.1679, Florida Statutes, is created to read:

409.1679 Additional requirements, effective date, reimbursement methodology, and evaluation.—

(1) The programs established under ss. 409.1676 and 409.1677 are to be operational within 6 months after those sections take effect, and, beginning 1 month after this section takes effect and continuing until full operation of those programs is realized, the department shall provide to the Legislature monthly written status reports on the progress toward implementing those programs.

(2) The programs established under ss. 409.1676 and 409.1677 must be included as part of the annual evaluation currently required under s. 409.1671. With respect to these specific programs and models, the annual evaluation must be conducted by an independent third party and must include, by specific site, the level of attainment of the targeted outcomes listed in subsection (3). The evaluation of the model programs must include, at a minimum, an assessment of their cost-effectiveness, of their ability to successfully implement the assigned program elements, and of their attainment of performance standards that include legislatively established standards for similar programs and other standards determined jointly by the department and the providers and stated in a contract.

(3) Each program established under ss. 409.1676 and 409.1677 must meet the following expectations, which must be included in its contracts with the department or lead agency:

(a) No more than 10 percent of the children served may move from one living environment to another, unless the child is returned to family members or is moved, in accordance with the treatment plan, to a less-restrictive setting. Each child must have a comprehensive transitional plan that identifies the child's living arrangement upon leaving the program and specific steps and services that are being provided to prepare for that arrangement. Specific expectations as to the time period necessary for the achievement of these permanency goals must be included in the contract.

(b) Each child must receive a full academic year of appropriate educational instruction. No more than 10 percent of the children may be in more than one academic setting in an academic year, unless the child is being moved, in accordance with an educational plan, to a less-restrictive setting. Each child must demonstrate academic progress and must be performing at grade level or at a level commensurate with a valid academic assessment.

(c) Siblings must be kept together in the same living environment 100 percent of the time, unless that is determined by the provider not to be in the children's best interest. When siblings are separated in placement, the decision must be reviewed and approved by the court within 30 days.

(d) The program must experience a caregiver turnover rate and an incidence of child runaway episodes which are at least 50 percent below the rates experienced in the rest of the state.

(e) In addition to providing a comprehensive assessment, the program must provide, 100 percent of the time, any or all of the following services that are indicated through the assessment: residential care; transportation; behavioral health services; recreational activities; clothing, supplies, and miscellaneous expenses associated with caring for these children; necessary arrangements for or provision of educational services; and necessary and appropriate health and dental care.

(f) The children who are served in this program must be satisfied with the services and living environment.

(g) The caregivers must be satisfied with the program.

(4) Notwithstanding the provisions of s. 409.141, the Department of Children and Family Services shall fairly and reasonably reimburse the programs established under ss. 409.1676 and 409.1677 based on a prospective per-diem rate, which must be specified annually in the General Appropriations Act. Funding for these programs shall be made available from resources appropriated and identified in the General Appropriations Act.

Section 8. Present paragraph (j) of subsection (5) of section 409.175, Florida Statutes, is redesignated as paragraph (k), paragraphs (h) and (i) of that subsection are amended, and a new paragraph (j) is added to that subsection, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(5)

(h) Upon determination that the applicant meets the state minimum licensing requirements, the department shall issue a license without charge to a specific person or agency at a specific location. A license may be issued if all the screening materials have been timely submitted; however, a license may not be issued or renewed if any person at the home or agency has failed the required screening. The license is non-transferable. A copy of the license shall be displayed in a conspicuous place. Except as provided in paragraph (j), the license is valid for 1 year from the date of issuance, unless the license is suspended or revoked by the department or is voluntarily surrendered by the licensee. The license is the property of the department.

(i) A license issued for the operation of a family foster home or agency, unless sooner suspended, revoked, or voluntarily returned, will expire automatically 1 year from the date of issuance except as provided in paragraph (j). Ninety days prior to the expiration date, an application for renewal shall be submitted to the department by a licensee who wishes to have the license renewed. A license shall be renewed upon the filing of an application on forms furnished by the department if the applicant has first met the requirements established under this section and the rules promulgated hereunder.

(j) The department may issue a license that is valid for longer than 1 year but no longer than 3 years to a family foster home that:

1. Has maintained a license with the department as a family foster home for at least the 3 previous consecutive years;
2. Remains in good standing with the department; and
3. Has not been the subject of a report of child abuse or neglect with any findings of maltreatment.

A family foster home that has been issued a license valid for longer than 1 year must be monitored and visited as frequently as one that has been issued a 1-year license. The department reserves the right to reduce a licensure period to 1 year at any time.

(k)(f) The department may not license summer day camps or summer 24-hour camps. However, the department shall have access to the personnel records of such facilities to ensure compliance with the screening requirements.

Section 9. Paragraph (a) of subsection (2) of section 409.176, Florida Statutes, amended to read:

409.176 Registration of residential child-caring agencies and family foster homes.—

(1)(a) A residential child-caring agency or family foster home may not receive a child for continuing full-time care or custody, and a residential child-caring agency may not place a child for full-time continuing care or custody in a family foster home, unless it has first registered with an association that is certified by a Florida statewide child care organization which was in existence on January 1, 1984, and which publishes, and requires compliance with, its standards and files copies thereof with the department as provided in paragraph (5)(b). For purposes of this section, such an association shall be referred to as the "qualified association."

(b) For the purposes of this section, the terms "child," "family foster home," "screening," and "residential child-caring agency" are defined as provided in s. 409.175(2), and the terms "personnel," "operator," and "owner" as they pertain to "residential child-caring agency" are defined as provided in s. 409.175.

(c) As used in this section, the term "facility" means a residential child-caring agency or a family foster home.

(2)(a) Registration shall consist of annually filing with the qualified association, on forms provided by the qualified association, the name and address of the facility; the capacity of, and the number of children being cared for in, the facility; the names and addresses of the officers and the board of directors or other governing body of the organization, if applicable; the name of the officer or person in charge of the facility; and proof that the facility is in compliance with the minimum fire, health, sanitary, and safety standards required by applicable state law or local ordinance, and the uniform fire safety standards required by

chapter 633, and in compliance with the requirements for screening of personnel in s. 409.175 and chapter 435. A separate registration form shall be filed for each such facility.

(b) As part of the registration application, each child-caring agency and each family foster home shall annually provide to the qualified association the names and ages of children being cared for in the facility; the names of children who have been received from out of state or who have been sent out of state during the past calendar year; the names of children who have left the facility during the past year, the lengths of their stays, and the nature of the placements; the names of all personnel; and proof that the facility is in compliance with published minimum standards that are filed with the department under the provisions of paragraph (5)(b). The agency shall also attest to the good moral character of the personnel of the facility by providing proof of compliance with the screening requirements of s. 409.175 and chapter 435 and provide the name of any member of the staff having a prior felony conviction.

(c) Upon verification that all requirements for registration have been met, the qualified association shall issue without charge a certificate of registration valid for 1 year.

Section 10. Section 435.045, Florida Statutes, is amended to read:

435.045 Requirements for *placement of dependent children prospective foster or adoptive parents.*—

(1)(a) Unless an election provided for in subsection (2) is made with respect to the state, the department *is authorized to* shall conduct criminal records checks equivalent to the level 2 screening required in s. 435.04(1) for any person being considered by the department for placement of a child subject to a placement decision pursuant to ch. 39, Florida Statutes. ~~prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments under s. 471 of the Social Security Act, 42 U.S.C. s. 671, are to be made.~~ Approval shall not be granted:

1. In any case in which a record check reveals a felony conviction for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the department finds that a court of competent jurisdiction has determined that the felony was committed at any time; and

2. In any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if the department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.

(b) Notwithstanding paragraph (a), the department may place a child in a foster home which otherwise meets licensing requirements if state and local criminal records checks do not disqualify the applicant and the department has submitted fingerprint information to the Florida Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and is awaiting the results of the federal criminal records check.

(c) Prospective and approved foster parents must disclose to the department any prior or pending local, state, or federal criminal proceedings in which they are or have been involved.

(2) For purposes of this section, and ss. 39.401(3) and 39.521(1)(d), the department and its authorized agents or contract providers are hereby designated a criminal justice agency for the purposes of accessing criminal justice information, including National Crime Information Center information, to be used for enforcing Florida's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purposes.

(3) Subsection (2) shall not apply if the Governor has notified the Secretary of the United States Department of Health and Human Services in writing that the state has elected to make subsection (2) inapplicable to the state, or if the Legislature, by law, has elected to make subsection (2) inapplicable to the state.

Section 11. Section 784.081, Florida Statutes, is amended to read:

784.081 Assault or battery on specified officials or employees; reclassification of offenses.—Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon any elected official or employee of: a school district; a private school; the Florida School for the Deaf and the Blind; a university developmental research school; a state university or any other entity of the state system of public education, as defined in s. 228.041; ~~or~~ an employee or protective investigator of the Department of Children and Family Services; *or an employee of a lead community-based provider and its direct service contract providers*, when the person committing the offense knows or has reason to know the identity or position or employment of the victim, the offense for which the person is charged shall be reclassified as follows:

(1) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

(2) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(3) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(4) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

Section 12. *Status report on the child protection program.*—

(1) *The Office of Program Policy Analysis and Government Accountability shall provide the Legislature with a report on the status of the child protection program. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the President of the Senate, the minority leaders of each house of the Legislature, and the appropriate substantive committees of each house of the Legislature, no later than February 1, 2002.*

(2) *The status report shall contain, at a minimum:*

(a) *The most current statistical information from the abuse hotline.*

(b) *The most current data on the number of abuse and neglect cases that are not closed within 60 days, by district.*

(c) *Reasons cases are not closed, by district.*

(d) *The turnover rate of the child protective investigator staff, by district.*

(e) *Strategies to retain child protective investigator staff.*

(f) *Factors that are creating caseload increases in district 7 and other districts, including strategies to address these factors.*

(g) *The most current statistical information concerning the number of foster homes recruited, the number of additional foster homes needed, and the description of the department's effort to recruit foster homes.*

(h) *The department's progress in implementing the HomeSafeNet information system.*

(i) *The progress made in implementing the recommendations of the Office of Program Policy Analysis and Government Accountability in the March 2001 justification review of the child protection program.*

Section 13. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2 after the semicolon, through page 2, line 31 remove from the title of the bill: all said lines and insert in lieu thereof: amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.402, F.S.; requiring department recommend visitation schedule; requiring department provide information regarding services and providing that participation in services not be considered admission of allegations; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed

for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term "related services"; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 409.176, F.S., providing for compliance with uniform fire safety standards; amending s. 435.045, F.S., relating to placement of dependent children, authorizing department to conduct criminal records checks; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; requiring the Office of Program Policy Analysis and Government Accountability to provide the Legislature with a report on the status of the child protection program; providing an effective date.

On motion by Senator Peaden, the Senate concurred in the House amendment.

CS for CS for SB 1214 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 1200, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

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.

House Amendment 1 (460713)(with title amendment)—On page 2, line 13, after the period, insert: *Residents who are the subject of or identified in incident reports or other related records shall be entitled to receive a copy of those documents upon request.*

And the title is amended as follows:

On page 1, line 12, after the semicolon, insert: providing that certain residents shall be entitled to receive a copy of described documents;

House Amendment 2 (852967)—On page 2, line 25, remove from the bill: *October 1* and insert in lieu thereof: *October 2*

House Amendment 3 (363089)—On page 3, line 16, remove from the bill: all of said line and insert in lieu thereof: that Senate Bill 1202 or similar legislation creating internal

On motion by Senator Brown-Waite, the Senate refused to concur in **House Amendment 1** and the House was requested to recede and concurred in **House Amendments 2** and **3**.

SB 1200 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives requests the return of CS for HB 293.

John B. Phelps, Clerk

CS for HB 293—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms "early stage technology business" and "qualified distribution"; defining the terms "Program One" and "Program Two"; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

On motion by Senator Latvala, **CS for HB 293** was returned to the House as requested.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Sanderson, by two-thirds vote **SB 918** was removed from the Special Order Calendar and withdrawn from further consideration.

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

SB 2126—A bill to be entitled An act relating to filings administered by the Department of State; providing legislative findings and intent; amending s. 679.401, F.S.; prescribing places of filing for secured transactions; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the Department of State; prescribing standards for the registry; providing an effective date.

—which was previously considered this day.

An amendment was considered and adopted to conform **SB 2126** to **HB 1157**.

Pending further consideration of **SB 2126** as amended, on motion by Senator Garcia, by two-thirds vote **HB 1157** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Garcia, the rules were waived and—

HB 1157—A bill to be entitled An act relating to the Department of State; directing the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state; providing requirements of the study; providing for planning and funding responsibilities; directing each department to make a budget request for funding purposes; providing an appropriation; amending s. 15.16, F.S.; authorizing the department to waive certain advertising requirements; amending s. 288.809, F.S.; revising membership of the Florida Intergovernmental Relations Foundation; amending s. 288.816, F.S.; deleting a requirement that certain law enforcement agencies notify the department of certain arrests and incarcerations; amending s. 679.401, F.S.; specifying the Florida Secured Transaction Registry as a place for certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the department; prescribing standards for the registry; providing powers and duties of contracting entities performing services with respect to the registry; amending s. 901.26, F.S.; providing that failure to provide certain consular notification shall not be a defense in a criminal proceeding or a cause for release of a foreign national from custody; providing effective dates.

—a companion measure, was substituted for **SB 2126** as amended and read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (201348)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (6) and (7) of section 15.16, Florida Statutes, are redesignated as subsections (7) and (8), respectively, and a new subsection (6) is added to that section to read:

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.—

(6) *Notwithstanding s. 865.09(3)(d), the Department of State may waive the requirement that a person advertise the intention to register a fictitious name if the department indexes the fictitious name registration in a central database available to the public on the Internet.*

Section 2. Paragraph (f) of subsection (2) of section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(2) The secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The secretary shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The secretary shall promulgate rules which shall:

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. ~~Florida law enforcement agencies shall inform the Department of State when such arrest or incarceration occurs. The secretary in turn shall notify the appropriate foreign governmental official. The secretary shall annually report on the actions taken to inform law enforcement agencies, and on the cooperation from such agencies, to the President of the Senate and the Speaker of the House of Representatives.~~

Section 3. Effective October 1, 2001, paragraph (c) of subsection (1) and subsection (5) of section 679.401, Florida Statutes, are amended to read:

679.401 Place of filing; erroneous filing; removal of collateral.—

(1) The proper place to file in order to perfect a security interest is as follows:

(c) In all other cases, by filing *under the Florida Secured Transaction Registry in the office of the Department of State.*

(5) Notwithstanding the preceding subsections, and subject to s. 679.302(3), the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is *under the Florida Secured Transaction Registry the office of the Department of State.*

Section 4. Section 679.4015, Florida Statutes, is created to read:

679.4015 *Florida Secured Transaction Registry.*—

(1) *As used in this section, the term:*

(a) *“Florida Secured Transaction Registry” or “registry” means the central database in which all initial financing statements, amendments, assignments, and other statements of change authorized to be filed under this chapter are filed, maintained, and retrieved. The term does not apply to documents that are filed under this chapter with the clerk of a circuit court.*

(b) *“Department” means the Department of State.*

(c) *“Materials and records” includes, but is not limited to, databases, source or object codes, and any software relating to the Florida Secured Transaction Registry or other filing system under this chapter, regardless of the original source of its creation or maintenance.*

(2) *The department shall perform the duties of the filing office and filing officer under this chapter until October 1, 2001, or until the effective date of a contract executed by the department for the performance of these duties, whichever occurs later. At that time, the department shall cease serving as the filing office and filing officer under this chapter, and thereafter, except to the extent the department may reclaim those duties under paragraph (3)(d), the department is not responsible for the performance of the duties of the filing office or filing officer under this chapter, including determinations of whether filings under this chapter satisfy the requirements of law.*

(3) *The department shall immediately develop and issue a request for qualifications seeking capable entities to perform the duties currently being performed by the department as the filing office and filing officer under this chapter.*

(a) *The qualifications shall, at a minimum, provide for the organization and maintenance of the Florida Secured Transaction Registry in a matter that:*

1. *Is comparable and compatible with the department’s current filing system.*

2. *Is open to the public and accessible through the Internet, to permit the review of all current filings of the department and all future filings in the registry, in compliance with chapter 119.*

3. *Provides for oversight and compliance audits by the department.*

4. *Requires records maintenance in compliance with this chapter and chapter 119.*

5. *Maintains the current level of filing fees and procedures for the deposit of revenues with the department as specified in chapter 15, net of operating costs.*

(b) *Under chapter 287, the department has the authority to determine and select the most qualified respondents to the request for qualifications and to negotiate and enter into one or more contracts as provided in this section.*

(c) *The contract may not be assignable or otherwise transferable without the express written consent of the department.*

(d) *Notwithstanding the terms and conditions of the contract, the department and the state retain sole and exclusive ownership of the materials and records in the registry, have the right to inspect and make copies of the materials and records in the registry, and have the right to*

immediately reclaim and take possession and control of the original materials and records in the registry if an entity under contract with the department does not, or cannot, perform the terms and conditions of the contract for any reason or commences an insolvency proceeding. If the department reclaims control of the materials and records in the registry, the department shall provide for the uninterrupted fulfillment of the duties of the filing office and filing officer under this chapter. The department is entitled to injunctive relief if an entity fails to turn over the materials and records upon demand, and the Circuit Court for Leon County, Florida, has exclusive original jurisdiction over any disputes pertaining to this section or any contract executed under this section.

(4) The department retains authority under this chapter to approve the forms required to be filed under this chapter. If authorized by the contract with the department, the entity performing the duties of the filing office may certify a copy of a financing statement, or an amendment thereto, which shall be admissible in a state or federal court or in a proceeding before any other tribunal.

(5) The department shall develop performance standards to ensure that the Florida Secured Transaction Registry is accurate and complete and that the users thereof are being well-served. Periodically, the department shall verify that these performance standards are being met or modified as may be needed from time to time.

Section 5. Section 901.26, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 901.26, F.S., for present text.)

901.26 Arrest and detention of foreign nationals.—Failure to provide consular notification under the Vienna Convention on Consular Relations or other bilateral consular conventions shall not be a defense in any criminal proceeding against any foreign national and shall not be cause for the foreign national's discharge from custody.

Section 6. (1) *The Coastal Management Program of the Department of Community Affairs and the Division of Historical Resources of the Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Coastal Management Program and the Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made available to the public for educational and recreational purposes. The Department of Community Affairs should consider these responsibilities to be a priority of the Florida Coastal Management Program, and implementation of this act should be a priority in the use of coastal management funds.*

(2) *The Department of Community Affairs and the Department of State shall request in their annual legislative budget requests funding necessary to carry out the duties and responsibilities specified in this act. Funds for the rehabilitation of lighthouses should be allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Community Affairs may assist the Division of Historical Resources in projects to accomplish lighthouse identification, assessment, restoration, and interpretation.*

(3) *There are appropriated in fiscal year 2001-2002 the sums of \$50,000 from nonrecurring general revenue to the Department of State and \$50,000 from nonrecurring general revenue to the Department of Community Affairs to implement the study required by this section.*

(4) *This section shall take effect upon this act becoming a law.*

Section 7. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of State; amending s. 15.16, F.S.; authorizing the department to waive certain advertising requirements; amending s. 288.816, F.S.; deleting a requirement that certain law enforcement agencies notify the department of certain arrests and

incarcerations; amending s. 679.401, F.S.; specifying the Florida Secured Transaction Registry as a place for certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the department; prescribing standards for the registry; providing powers and duties of contracting entities performing services with respect to the registry; amending s. 901.26, F.S.; providing that failure to provide certain consular notification shall not be a defense in a criminal proceeding or a cause for release of a foreign national from custody; directing the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state; providing requirements of the study; providing for planning and funding responsibilities; directing each department to make a budget request for funding purposes; providing an appropriation; providing effective dates.

Pursuant to Rule 4.19, **HB 1157** as amended was placed on the calendar of Bills on Third Reading.

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

CS for SB 1560—A bill to be entitled An act relating to the Department of Environmental Protection; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring that the Department of Environmental Protection, the State Technology Office, and the Department of State submit a joint report on the cost-effectiveness of publication of such notices on the Internet; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (153700)** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1560** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 1738—A bill to be entitled An act relating to expedited permitting; amending s. 288.109, F.S.; specifying that the State Technology Office is responsible for establishing and implementing an Internet site for the One-Stop Permitting System; providing that the 60-day period for application approval or denial under the system does not apply to certain applications; removing provisions that provide for a waiver of development permit fees for a specified period when an agency begins accepting applications through the system; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; providing an effective date.

—with pending **Amendment 1 (345644)** by Senator Peaden as amended.

RECONSIDERATION OF AMENDMENT

On motion by Senator Bronson, the Senate reconsidered the vote by which **Amendment 1B** was adopted. **Amendment 1B** was withdrawn.

The question recurred on **Amendment 1** as amended which was adopted.

Pursuant to Rule 4.19, **SB 1738** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

SENATOR SILVER PRESIDING

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Howard C. Forman who was present in the chamber.

On motion by Senator Diaz de la Portilla, the Senate resumed consideration of—

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; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; 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; creating s. 121.155, F.S.; providing legislative findings relating to the relationship between availability of capital and the development of high-technology businesses; expressing legislative intent that Florida Retirement System investments complement economic development strategies; requiring staff of the State Board of Administration to review certain economic development information; expanding annual report requirements; amending s. 159.26, F.S.; declaring, for purposes of the Florida Industrial Development Financing Act, that the information technology industry is vital to the economy of the state; providing that the advancement of information technology is a purpose underlying the act; amending s. 159.27, F.S.; redefining the term "project" to include information technology facilities; defining the term "information technology facility"; amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; creating s. 240.1055, F.S.; providing that the mission of the state system of postsecondary education includes supporting the economic development goals of the state; expressing legislative intent; amending s. 240.710, F.S.; revising

duties relating to the Digital Media Education Coordination Group; eliminating obsolete provisions; providing for the group to submit an annual report; amending s. 288.108, F.S.; specifying that the information technology sector is a high-impact sector for the purposes of a grant program for investments by certain businesses; providing legislative intent relating to the provision of state assistance to a not-for-profit corporation created to advocate on behalf of the information technology industry; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing legislative intent related to the consortium; providing for the organization, membership, purpose, powers, and administration of the consortium; requiring an annual report from the consortium and its member universities; requiring Enterprise Florida, Inc., to provide initial staff support to the Florida Research Consortium; requiring the Florida Research Consortium to report on statutory and other factors affecting the transfer and commercialization of technology and the formation of relationships between university employees and business entities; prescribing elements of such report; requiring the consortium to solicit the participation of certain experts in the preparation of such report; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide such services to Workforce Florida, Inc.; directing Workforce Florida, Inc., to establish a pilot grant program for youth internships in high-technology fields, subject to legislative appropriation; specifying the amount of a grant under the program; providing for eligibility; requiring an eligible business to submit an internship work plan; specifying criteria for evaluating an application for funding of an internship; requiring Workforce Florida, Inc., to report the outcomes of the pilot program to the Legislature; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the pilot program; directing the agency to provide such services to Workforce Florida, Inc.; providing legislative findings and intent relating to establishment of joint-use advanced digital-media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create a program supporting establishment of such facilities; prescribing the purposes of such facilities; specifying powers and duties of the office relating to establishment of such facilities; defining the term "digital media"; requiring a report to the Legislature on recommended funding levels for such facilities; authorizing the Board of Regents and the State Board of Community Colleges, in implementing a single, statewide computer-assisted student advising system, to secure and enforce patents on work products, enter into various agreements, and sell or license work products; requiring the Board of Regents and the State Board of Community Colleges to submit certain agreements to the Legislature; providing for uses of any or all of the proceeds derived from such activities; providing appropriations; authorizing the Office of Tourism, Trade, and Economic Development to use a portion of funds appropriated for the Rural Community Development Revolving Loan Fund for loan activities on behalf of small citrus growers; providing effective dates.

—which was previously considered this day.

MOTION

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

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

Amendment 2 (373610)(with title amendment)—On page 56, between lines 5 and 6, insert:

Section 33. Section 341.821, Florida Statutes, is created to read:

341.821 Florida High-Speed Rail Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Florida High-Speed Rail Authority," hereinafter referred to as the "authority."

(2)(a) *The governing board of the authority shall consist of nine voting members appointed as follows:*

1. *Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.*

2. *Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.*

3. *Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.*

(b) *The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years. Initial appointments must be made within 30 days after the effective date of this act.*

(c) *A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.*

(d) *The Secretary of Transportation shall be a nonvoting ex officio member of the board.*

(e) *The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.*

(f) *The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.*

(3) *Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.*

(4) *The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.*

Section 34. Section 341.822, Florida Statutes, is created to read:

341.822 *Powers and duties.—*

(1)(a) *The authority created and established by this act shall plan, administer, and manage the preliminary engineering and preliminary environmental assessment of the intrastate high-speed rail system in the state, hereinafter referred to as "intrastate high-speed rail."*

(b) *The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may not incur debt.*

(c) *The authority shall have perpetual succession as a body politic and corporate.*

(d) *The authority is authorized to seek federal matching funds or any other funds to fulfill the requirements of this act.*

(e) *The authority may employ an executive director, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.*

Section 35. (1) *The following criteria shall apply in developing the preliminary engineering, preliminary environmental assessment, and recommendations required by this act:*

(a) *The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;*

(b) *The initial segments of the system will be developed and operated between St. Petersburg, Tampa, and Orlando, with future service to Miami;*

(c) *The authority is to develop a model that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, and operation of the system;*

(2) *The authority shall make recommendations concerning:*

(a) *The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;*

(b) *The preferred routes between the cities designated in paragraph (1)(b);*

(c) *The preferred locations for the stations in the cities designated in paragraph (1)(b);*

(d) *The preferred locomotion technology to be employed from constitutional choices of monorail, fixed guideway, or magnetic levitation;*

(e) *Any changes that may be needed in state statutes or federal laws which would make the proposed system eligible for available federal funding; and*

(f) *Any other issues the authority deems relevant to the development of a high-speed rail system.*

(3) *When preparing the operating plan, the authority shall include:*

(a) *The frequency of service between the cities designated in paragraph (1)(b);*

(b) *The proposed fare structure for passenger and freight service;*

(c) *Proposed trip times, system capacity, passenger accommodations, and amenities;*

(d) *Methods to ensure compliance with applicable environmental standards and regulations;*

(e) *A marketing plan, including strategies that can be employed to enhance the utilization of the system;*

(f) *A detailed planning-level ridership study;*

(g) *Consideration of nonfare revenues that may be derived from:*

1. *The sale of development rights at the stations;*

2. *License, franchise, and lease fees;*

3. *Sale of advertising space on the trains or in the stations; and*

4. *Any other potential sources deemed appropriate.*

(h) *An estimate of the total cost of the entire system, including, but not limited to, the costs to:*

1. *Design and build the stations and monorail, fixed guideway, or magnetic levitation system;*

2. *Acquire any necessary rights-of-way;*

3. *Purchase or lease rolling stock and other equipment necessary to build, operate, and maintain the system.*

(i) *An estimate of the annual operating and maintenance costs for the system and all other associated expenses.*

(j) *An estimate of the value of assets the state or its political subdivisions may provide as in-kind contributions for the system, including rights-of-way, engineering studies performed for previous high-speed rail initiatives, land for rail stations and necessary maintenance facilities, and any expenses that may be incurred by the state or its political subdivisions to accommodate the installation of the system.*

(k) *An estimate of the funding required per year from state funds for the next 30 years for operating the preferred routes between the cities designated in paragraph (1)(b).*

Whenever applicable and appropriate, the authority will base estimates of projected costs, expenses, and revenues on documented expenditures or experience derived from similar projects.

Section 36. *The authority shall prepare a report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2002. If statutory changes are recommended, the report shall contain proposed legislation necessary to implement those recommendations.*

Section 37. *The Department of Transportation may prepare and issue a request for information from private-sector entities regarding their interest in participating in financing, building, and operating the high-speed rail system in this state, and may issue a request for proposals in order for the authority to contract with a consultant to assist the authority in fulfilling the requirements of this act. Furthermore, the authority may enlist assistance or input from the private sector and from existing rail and fixed guideway system vendors or operators, including Amtrak. The Department of Transportation is directed to begin, as soon as possible, collecting and organizing existing research, studies, and reports concerning high-speed rail systems in preparation for the authority's first meeting.*

Section 38. *The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.*

Section 39. *There is appropriated from funds assigned to the Transportation Outreach Program to the authority the sum of \$4,500,000 for the purpose of performing its duties under this act. These funds shall be administered by the authority, and the funding for the authority, for its board, and for any consultant under the provisions of this act shall be allocated from this appropriation.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 22, after the semicolon (;) insert: creating s. 341.821, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and reimbursement of expenses; providing duties of the authority; relating to specified conflicts of interest with respect to authority members; assigning the authority to the Department of Transportation for administrative purposes; providing for future legislative review and repeal; creating s. 341.822, F.S.; providing powers and duties of the authority; authorizing the authority to seek federal funds; providing applicable criteria; requiring submittal of a report; authorizing the department to issue requests for information and proposals; authorizing the authority to request assistance from the private sector; providing for agency assistance; providing an appropriation;

Senator Horne offered the following amendment which was moved by Senator Diaz de la Portilla and adopted by two-thirds vote:

Amendment 3 (531976)(with title amendment)—On page 7, line 26, insert:

Section 1. (1) *The Legislature intends to ensure that all high schools provide supportive services to students and their parents to determine the*

comprehensive program of study that will best meet the needs and goals of each student. At a minimum, these services must include access to a guidance counselor and assistance in developing an educational and career plan. Each high school shall provide a variety of comprehensive, relevant programs of study which will meet the needs of all students and enable each student to pursue his or her individual educational and career goals.

(2) *Key components of this process are:*

(a) *A variety of programs of study which are based on individual educational and career goals.*

(b) *Parental involvement in the identification of the appropriate program of study.*

(c) *Assurance that all programs of study are designed to provide a seamless transition to an appropriate postsecondary education and employment.*

Section 2. (1) *A career and technical education program within a comprehensive high school program of study must be certified or endorsed by the appropriate industry to ensure that all components of the program are relevant and appropriate to prepare the student for further education and employment in that industry.*

(2) *Effective July 1, 2006, each career and technical program preparing for postsecondary education and employment offered as part of a comprehensive program of study in a high school must be industry-certified or endorsed, except for courses classified as exploratory, orientation, or practical arts. A student enrolled in a course within a career and technical program that is not industry-certified may not be reported for full-time equivalent funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts. The Department of Education shall assure that each program is certified by July 1, 2006, and recertified at least every 5 years. The department shall adopt rules for the certification process, and the rules must establish any necessary procedures for obtaining appropriate business partners and requirements for business and industry involvement in curriculum oversight and equipment procurement.*

(3) *Each full-time equivalent student in an industry-certified or endorsed career and technical program generates 1.15 times the cost factor for students enrolled in the basic program for grades 9-12, as provided by section 236.081, Florida Statutes, and the annual General Appropriations Act.*

(4) *Effective July 1, 2006, each career and technical education program offered by a high school and able to be articulated to a postsecondary level must also have an articulation agreement with one or more appropriate postsecondary education institutions to ensure a seamless transition to a related postsecondary program without a loss of credit for the student. Students enrolled in a program that is not articulated to a postsecondary program may not be reported for full-time equivalent student funding through the Florida Education Finance Program unless the course is classified as exploratory, orientation, or practical arts or terminates at the high school level.*

Section 3. (1) *A comprehensive program of study in career and technical education must be designed to ensure that, upon completion of the program of study and graduation from high school, a student is prepared to continue his or her education at a postsecondary education institution and obtain employment. Therefore, a comprehensive career and technical program of study must require of each student:*

(a) *Completion of academic courses with a designation from the Department of Education of level two or above. All credits earned to meet graduation requirements in mathematics, science, and communication must have that designation.*

(b) *Attainment of at least one occupational completion point in an industry-certified or endorsed career and technical education program or completion of at least two courses in a technology education program.*

(c) *Completion of a one-credit core course addressing workplace-readiness skills. The Department of Education shall define in rule the content of the course and shall assure that the course meets graduation requirements for performing arts or practical arts. The course requirement may be satisfied through infusing course content into existing select career and technical education course.*

(d) Participation in work-based learning experiences, as defined in rule by the Department of Education.

(e) Participation in a capstone activity that includes a project related to a career. This activity is designed to apply and demonstrate the competencies and concepts attained in the student's program of study. The Department of Education may specify in rule characteristics of capstone activities that meet the intent of this paragraph.

(2) The Legislature intends to recognize with an endorsement on the high school diploma a student who:

(a) Completes the requirements for high school graduation as provided in section 232.246, Florida Statutes, and the additional requirements for a comprehensive career and technical program of study provided in subsection (1).

(b) Passes the college entry-level placement test or an equivalent test identified by the department with a score adequate to enroll in a public postsecondary education program without the need for college preparatory or vocational preparatory instruction.

(3) The endorsement indicates that the student is prepared to continue into postsecondary education without the need for remediation and that the student has marketable employment skills. The Department of Education may adopt by rule a standard format for the endorsement.

(4) For each student who receives the endorsement on his or her diploma, the school district shall receive incentive funding, as provided in section 236.081, Florida Statutes, and the annual General Appropriations Act.

(5) A school district that generates funds as a result of industry-certified programs or incentive funding for student achievement of the endorsement must expend the total amount on the comprehensive career and technical program of study. The district may not apply indirect charges to incentive funds earned.

Section 4. The Legislature finds that, to adequately assist students in advanced technical and academic career planning, high school guidance counselors and career specialists require preservice and inservice professional development programs that contain sufficient information on career education.

(1) Each guidance counselor and career specialist in a school with technical education programs certified as provided in section 2 of this act shall complete 12 inservice points in technical education and career development which include:

(a) An emphasis on labor-market trends and projections;

(b) A practicum that focuses on development of a career-awareness program; and

(c) Content related to a career or employment within the counselor's work experience.

(2) The Department of Education shall assist guidance counselors and career specialists in attaining the additional inservice required. The State Board of Education shall revise rules governing the certification and recertification of guidance counselors to allow substitution of personal work-based experiences and temporary-employment opportunities in business and industry for the required classroom instruction. A minimum of 12 hours of inservice in career and technical education will be required for each 5-year period.

(3) To implement the requirements of this act through preservice education, the Legislature encourages colleges of education to provide for the additional courses required without increasing the total number of credit hours needed to complete a program. Instead, the colleges are encouraged to infuse course content required for ethics courses into courses required for introduction, theory, and practicum.

Section 5. Paragraph (b) of subsection (9) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(9) INSTRUCTIONAL PERSONNEL.—“Instructional personnel” means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

(b) Pupil personnel services.—Pupil personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, ~~career occupational/~~ placement specialists, and school psychologists.

Section 6. Paragraph (c) of subsection (2) of section 229.601, Florida Statutes, is amended to read:

229.601 Career education program.—

(2) There is hereby established a career education program in the state educational system. The Commissioner of Education and his or her designated staff shall administer this program. In developing and administering the career education program, the purpose of which is to promote positive career opportunities for all students regardless of their race, color, creed, national origin, ancestry, socioeconomic status, or gender, the commissioner shall:

(c) Develop programs for preservice and inservice training for the purpose of infusing career education concepts into the basic curricula of public schools and core curricula of community colleges and state universities and programs for preservice and inservice training for counselors and ~~career occupational and placement~~ specialists to assist in career counseling and placement and followup activities.

Section 7. Paragraph (a) of subsection (5) of section 229.602, Florida Statutes, is amended to read:

229.602 Florida private sector and education partnerships.—

(5) Each school district shall designate one or more persons to coordinate local private sector and education partnership activities. The general activities of these coordinators shall be to enhance private sector and education partnership activities. The specific duties of the district coordinators shall include, but not be limited to, the following:

(a) Maintaining contact with local businesses and industries, local chamber of commerce organizations, regional workforce boards ~~private industry councils with Job Training Partnership Act programs~~, district, ~~career occupational~~ specialists, guidance personnel, economics educators, volunteer coordinators, community education coordinators, appropriate governmental personnel, and any others interested in private sector and education partnerships.

Section 8. Paragraphs (c), (d), and (l) of subsection (1) of section 236.081, Florida Statutes, are amended, present paragraphs (m) through (p) of that subsection are redesignated as paragraphs (n) through (q), respectively, and a new paragraph (m) is added to that subsection, and paragraph (a) of subsection (5) of that section is amended, to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. *A secondary career or technical education program certified as required by section 2 of this act generates funding as provided in paragraph (m). Effective July 1, 2006, a full-time equivalent student in a career or technical education program that is not industry-certified or endorsed shall not generate any state funding unless the student is in a course classified as exploration, orientation, or practical arts and the General Appropriations Act contains a cost factor*

for such courses. The Department of Education shall complete a study by January 2002 to determine if career and technical education programs should have differentiated funding weights. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—
 - a. Kindergarten and grades 1, 2, and 3.
 - b. Grades 4, 5, 6, 7, and 8.
 - c. Grades 9, 10, 11, and 12.
2. Programs for exceptional students.—
 - a. Support Level IV.
 - b. Support Level V.
3. Secondary career and technical education programs, industry-certified or endorsed.—
4. Career and technical education programs, all other programs.—
 - 5.4. English for Speakers of Other Languages.—
 - (d) Annual allocation calculation.—

1. The Department of Education ~~shall be authorized and directed to~~ review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, English for Speakers of Other Languages programs, all basic programs other than the programs in group 1, and all vocational programs in grades 6-12 ~~7-12~~.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3. This adjustment shall be calculated beginning with the third calculation of the 1998-1999 FEFP.

(l) Instruction in career education.—~~Effective for the 1985-1986 school year and thereafter,~~ District pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. *Beginning July 1, 2006, a career and technical course may not be substituted for another required course unless it is part of an industry-certified or endorsed program certified as provided in section 2 of this act.* A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory course program may substitute credit for a portion of the required four credits in English, three credits in mathematics, *any credits in social studies,* and three credits in science. The credit substituted for English, mathematics, *social studies,* or science earned through the vocational job-preparatory course program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. The State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies,* and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, *social studies,* and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. ~~A career and technical course vocational program~~ which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course. *Such a course is eligible for funding at 1.15 times the cost factor for students enrolled in the basic program for grades 9-12 only if it is part of a program certified or endorsed as required by section 2 of this act.*

(m) Calculation of full-time equivalent membership for an industry-certified or endorsed technical program.—*Funding for students enrolled in an industry-certified program as provided in section 2 of this act is calculated at 1.15 times the cost factor for students enrolled in the program for grades 9-12 and multiplying that number by the number of full-time equivalent students in an industry-certified or endorsed career and technical program. A student who earns the endorsement authorized by section 3 of this act generates additional incentive funding for the program, as provided in subsection (5). During the transition from the 2001-2002 school year until July 1, 2006, all career and technical education programs not industry-certified or endorsed or articulated to postsecondary institutions will continue to earn weighted funding as determined in the General Appropriations Act.*

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

- (a) General.—
 1. Comprehensive school construction and debt service as provided by law.
 2. Community schools as provided by law.
 3. School lunch programs as provided by law.
 4. Instructional material funds as provided by law.
 5. Student transportation as provided by law.
 6. Student development services as provided by law.
 7. Diagnostic and learning resource centers as provided by law.
 8. Comprehensive health education as provided by law.
 9. Excellent Teaching Program as provided by law.
 10. Attainment of the high school career and technical endorsement authorized by section 3 of this act and rules of the State Board of Education.

Section 9. Section 239.121, Florida Statutes, is amended to read:

239.121 ~~Career Occupational~~ specialists.—

(1) District school boards and community college boards of trustees may employ ~~career occupational~~ specialists to provide student counseling services and occupational information to students and to provide information to local business and industry regarding the availability of vocational programs through local educational institutions. Under the supervision of a certified counselor, ~~career occupational~~ specialists may undertake special assignments that include, but are not limited to, the identification and intensive counseling of current and former students and the parents of such students, as well as counseling students and all education personnel regarding job and career opportunities.

(2) ~~Career Occupational~~ specialists shall receive certification pursuant to State Board of Education rule and s. 231.1725. A ~~career No occupational~~ specialist may not be paid less than any other member of the instructional personnel who has equivalent qualifications and provides similar services. ~~Career Occupational~~ specialists may receive salary supplements upon documentation that such supplements are necessary for recruiting or retaining suitable personnel.

(3) *The Department of Education and each school district that employs a career specialist shall assist that person in preparing a professional development plan designed to provide the skills necessary to perform the duties associated with implementing a comprehensive technical education program of study.*

Section 10. Paragraph (a) of subsection (2) of section 239.229, Florida Statutes, is amended to read:

239.229 Vocational standards.—

(2)(a) *Each school board and superintendent shall direct the smooth transition of high school career and technical education programs to industry-certified or endorsed programs of study included in a comprehensive course of study. Each school board and superintendent shall also direct the implementation of all components required to obtain the endorsement authorized in section 3 of this act if the district chooses to offer the endorsement. School board, superintendent, and school accountability for career education within elementary and secondary schools includes, but is not limited to:*

1. Student exposure to a variety of careers and provision of instruction to explore specific careers in greater depth.

2. Student awareness of available vocational programs and the corresponding occupations into which such programs lead.
3. Student development of individual career plans.
4. Integration of academic and vocational skills in the secondary curriculum.
5. Student preparation to enter the workforce and enroll in postsecondary education without being required to complete college-preparatory or vocational-preparatory instruction.
6. Student retention in school through high school graduation.
7. ~~Career and technical~~ Vocational curriculum articulation with corresponding postsecondary programs in the local area technical center or community college, or both.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing legislative intent for certain career and technical education programs within comprehensive programs of study in high schools; providing for industry-certification, for certain required courses and activities; authorizing an endorsement and funding; authorizing rules of the Department of Education; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents;

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

Amendment 4 (164498)(with title amendment)—On page 56, between lines 5 and 6, insert:

Section 33. Section 331.367, Florida Statutes, is amended to read:

331.367 Spaceport Management Council.—

(1) The Spaceport Management Council is created within the Spaceport Florida Authority to provide coordination *between government agencies and commercial operators for the purpose of developing and* recommendations on projects and activities ~~to that will~~ increase the operability and capabilities of Florida's space launch facilities, increase statewide space-related industry and opportunities, and promote space education, ~~and research, and technology development within the state.~~ The council shall work to ~~create develop~~ integrated facility and programmatic development plans to address commercial, state, and federal requirements and to identify appropriate private, state, and federal resources to implement these plans.

- (2) The council shall make recommendations regarding:
 - (a) The development of a spaceport master plan.
 - (b) The projects and levels of commercial financing required from the Florida Commercial Space Financing Corporation created by s. 331.407.
 - (c) Development and expansion of space-related education and research *facilities and* programs within Florida *in consultation with the Florida Space Research Institute,* including recommendations to be provided to the State University System, the Division of Community Colleges, and the Department of Education.
 - (d) The regulation of spaceports and federal and state policy.
 - (e) ~~Appropriate levels of governmental and private funding for sustainable Florida's approach to the Federal Government regarding requests for funding of space development.~~

(3) *The council shall submit its recommendations to the Governor and Lieutenant Governor and provide copies to the Secretary of Transportation, the director of the Office of Tourism, Trade and Economic Development, the associate administrator for Space Transportation in*

the United States Department of Transportation, the administrator of the National Aeronautics and Space Administration, and the Deputy Assistant Secretary of the Air Force for Space Plans and Policy.

~~(4)(3)(a) The council shall consist of an executive board consisting, which shall consist of representatives of governmental organizations having with responsibilities for developing or operating space transportation facilities; and a Space Industry Committee, which shall consist of representatives of Florida's space industry.~~

~~(b) The executive board consists of the following individuals or their designees shall serve on the executive board:~~

~~1. The executive director of the Spaceport Florida Authority or his or her designee.~~

~~2. The director of the John F. Kennedy Space Center or his or her designee.~~

~~3. The Commander of the United States Air Force 45th Space Wing or his or her designee.~~

~~4. The Commander of the Naval Ordnance Test Unit or his or her designee.~~

~~2.5. The Secretary of Transportation or his or her designee.~~

~~3.6. The president of Enterprise Florida, Inc., or his or her designee, as an ex officio nonvoting member.~~

~~4.7. The director of the Office of Tourism, Trade, and Economic Development or his or her designee, as an ex officio nonvoting member.~~

~~(c)1. Participation by the federal agencies having space-related missions in the state will contribute to council effectiveness, and the following installation heads or their designees may serve as official liaisons to the council: the director of the John F. Kennedy Space Center, the Commander of the 45th Space Wing, and the Commander of the Naval Ordnance Test Unit.~~

~~2. Federal liaison officials may attend and participate in council meetings and deliberations, provide federal-agency views on issues before the council, and present issues of concern and make recommendations to the council.~~

~~3. The role of federal liaison officials is limited by federal statutes and other constraints, but the determination of this limitation is a federal function.~~

~~4. The fiduciary responsibility of the official liaisons shall remain at all times with their respective agencies.~~

~~5. To the extent that the advice or recommendations of the official liaisons are not adopted or incorporated into the final recommendations of the council, the official liaisons may append to such final recommendations their advice, recommendations, or opinions.~~

~~(4) Each member shall be appointed to serve for a 3 year term, beginning July 1. Initial appointments shall be made no later than 60 days after the effective date of this act.~~

~~(5) The executive board shall hold its initial meeting no later than 30 days after the members have been appointed. The Space Industry Committee shall hold its initial meeting no later than 60 days after the members have been appointed.~~

~~(6) All council members must be residents of the state.~~

~~(5)(7) The executive board council shall adopt bylaws governing the manner in which the business of the council shall be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.~~

~~(6)(8) The council shall provide infrastructure and program requirements and develop other information to be utilized in a 5-year spaceport master plan. The council shall define goals and objectives concerning the development of spaceport facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.~~

~~(7)(9) The council shall provide requirements and other information to be utilized in the development of a 5-year Spaceport Economic Development Plan, defining the goals and objectives of the council concerning the development of facilities for space manufacturing, research, technology and development, and education educational facilities.~~

~~(8)(10) The council shall meet at the call of its chairperson, at the request of two or more members of the executive board a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. A majority vote of the majority of the voting members present is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.~~

Section 34. Section 331.368, Florida Statutes, is amended to read:

331.368 Florida Space Research Institute.—

(1) There is created the Florida Space Research Institute, the purpose of which is to serve as an industry-driven center for research, leveraging the state's resources in a collaborative effort to support Florida's space industry and its expansion, diversification, and transition to commercialization.

(2) The institute shall operate as a public/private partnership under the direction of a board composed of:

(a) A representative of the Spaceport Florida Authority.

(b) A representative of Enterprise Florida, Inc.

(c) A representative of the Florida Aviation Aerospace Alliance.

(d) A representative of the Florida Space Business Roundtable.

(e) Additional private-sector representatives from the space industry selected collaboratively by the core members specified in paragraphs (a)-(d). The additional space industry representatives under this paragraph must comprise the majority of members of the board and must be from geographic regions throughout the state. Each private-sector representative shall serve a term of 3 years.

(f) Two representatives from the educational community who are selected collaboratively by the core members specified in paragraphs (a)-(d) and who are engaged in research or instruction related to the space industry. One representative must be from a community college, and one representative must be from a public or private university. Each educational representative shall serve a term of 2 years.

(g) Annually, the members of the board shall select one of the members to serve as chair, who shall be responsible for convening and leading meetings of the board.

(h) The board members are considered to be volunteers as defined in s. 110.501, and shall serve with all protections provided to volunteers of state agencies under s. 768.1355.

(3) The Florida Space Research Institute may:

(a) Acquire property under such conditions as the board considers necessary, and sell or otherwise dispose of the property.

(b) Serve as a coordinating organization among public and private academic institutions, the State University System, industry, and government agencies to support the expansion and diversification of the state's space industry and to support research and education programs.

(c) Execute contracts and other documents, adopt proceedings, and perform any acts determined by the board to be necessary to carry out the purposes of this section.

(d) Establish a personnel-management system and procedures, rules, and rates governing administrative and financial operations of the institute.

(e) Acquire, accept, or administer grants, contracts, and fees from other organizations to perform activities that are consistent with the purposes of this section.

(f) *Work in partnership with the Spaceport Florida Authority, Enterprise Florida, Inc., and other organizations to support their programs to promote the state as a center for space enterprise, research, and technology development.*

(4)(3) The board of the Florida Space Research Institute shall:

(a) Set the strategic direction for the space-related research priorities of the state and its space-related businesses, the scope of research projects for the institute, and the timeframes for completion.

(b) Invite the participation of public and private *academic institutions* universities, including, but not limited to, the University of Central Florida, the University of Florida, the University of South Florida, Florida State University, Florida Institute of Technology, and the University of Miami.

(c) Select a lead university to:

1. Serve as coordinator of research ~~for and as the administrative entity~~ of the institute;

2. Support the institute's development of a statewide space research agenda and programs; and

3. Develop, and update as necessary, a report recommending ways that the state's public and private universities can work in partnership to support the state's space-industry requirements, which report must be completed by December 15, 2000.

(d) Establish a partnership with the state Workforce Development Board, or its successor entity, under which the institute coordinates the workforce-training requirements identified by the space industry and supports development of workforce-training initiatives to meet such requirements, using training providers approved by the board or its successor entity.

(e) Comanage, with the National Aeronautics and Space Administration and subject to the terms of an agreement with NASA, operation of a Space Experiment Research and Processing Laboratory, if such a facility is constructed on land of the John F. Kennedy Space Center. The institute shall carry out such responsibility through a consortium of public and private universities in the state led by the University of Florida.

(f) Develop initiatives to foster the participation of the state's space industry in the International Space Station and to help the state maintain and enhance its competitive position in the commercial space-transportation industry.

(g) Pursue partnerships with the National Aeronautics and Space Administration to coordinate and conduct research in fields including, but not limited to, environmental monitoring; agriculture; aquatics; resource reutilization technologies for long-duration space missions; and spaceport technologies which support current or next-generation launch vehicles and range systems.

(h) Pursue partnerships with the National Aeronautics and Space Administration for the conduct of space-related research using computer technology to connect experts in a given field of science who are in disparate locations and to perform research experiments in a real-time, virtual environment.

(i) *Appoint or dismiss, as considered necessary by the board, a person to act as executive director of the institute, who shall have such title, functions, duties, powers, and salary as the board prescribes.*

(5)(4) By December 15 of each year, the institute shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include recommendations regarding actions the state should take to enhance the development of space-related businesses, including:

(a) Future research activities.

(b) The development of capital and technology assistance to new and expanding industries.

(c) The removal of regulatory impediments.

(d) The establishment of business development incentives.

(e) The initiation of education and training programs to ensure a skilled workforce.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 22, after the semicolon (;) insert: amending s. 331.367, F.S.; revising the membership and functions of entities under the Spaceport Management Council; amending s. 331.368, F.S.; revising provisions relating to the authority of the Florida Space Research Institute;

Senator Klein moved the following amendment:

Amendment 5 (373572)(with title amendment)—On page 56, between lines 5 and 6, insert:

Section 33. *Legislative findings and intent; Digital Divide Council; powers and duties; program objectives and goals; review and assessment of program performances; annual report.*

(1) *Legislative findings and intent.—The Legislature finds as follows:*

(a) *Frequent access to use of information technology and possession of the knowledge and skills required to use information technology productively is becoming increasingly important to being competitively qualified for high skill/high wage employment;*

(b) *The availability of reasonable opportunities to have frequent access to use of information technology and to obtain the education and training necessary to acquire the knowledge and skills required to use information technology productively is critical to becoming competitively qualified for high skill/high wage employment;*

(c) *Families that are living near or below the poverty level are without adequate economic resources to have reasonable opportunities to obtain frequent access to use of information technology or the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high skill/high wage employment;*

(d) *The absence of such economic resources divides such families from those who have adequate economic resources to have such opportunities, places such families at-risk of never realizing their employment and income earning potential, and prevents the state's economy from prospering to the extent it could if such families realized their employment and income earning potential; and*

(e) *The divide between the members of such at-risk families and those who have adequate economic resources to have reasonable opportunities to obtain frequent use of information technology and the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high skill/high wage employment could be reduced, and the economy of the state could be enhanced, by the design and implementation of programs that provide such opportunities to members of such at-risk families.*

It is the intent of the Legislature to provide the authority and resources reasonably necessary to facilitate design and implementation of such programs.

(2) *Digital Divide Council.—There is created in the State Technology Office a Digital Divide Council. The Council shall be constituted as follows:*

(a) *The Chief Information Officer in the State Technology Office;*

(b) *The Director of the Office of Tourism, Trade and Economic Development in the Executive Office of the Governor;*

(c) *The President of Workforce Florida, Inc.;*

(d) *The Director of the Agency for Workforce Innovation;*

(e) *The Chair of itflorida.com, Inc.;*

(f) *The Commissioner of Education;*

- (g) *The Executive Director of the State Board of Community Colleges;*
- (h) *The Executive Director of the State Board for Career Education;*
- (i) *A representative of the information technology industry in Florida appointed by the Speaker of the Florida House of Representatives;*
- (j) *A representative of the information technology industry in Florida appointed by the President of the Florida Senate.*
- (k) *Two members of the Florida House of Representatives appointed by the Speaker of the House, one of whom shall be a member of the Republican caucus, and the other of whom shall be a member of the Democratic caucus; and*
- (l) *Two members of the Florida Senate appointed by the President of the Senate, one of whom shall be a member of the Republican caucus, and the other of whom shall be a member of the Democratic caucus.*
- (3) *Term of appointed members of Council; vacancies; compensation of members.—The appointed members of the Council shall serve an initial term of one year commencing July 1, 2001, and ending June 30, 2002, and successor appointees shall serve a term of two years, the first of which shall commence July 1, 2002 and end June 30, 2004. Successive two year terms shall commence and end on the same schedule in subsequent years. Any vacancy in the membership of the Council resulting from resignation, incapacity or death shall be filled within 30 days from the date the vacancy is effective. The appointed members of the Council shall serve without compensation, but such appointees and the other members of the Council shall be entitled to receive per diem and reimbursement for travel expenses as provided in s. 112.061, Florida Statute. Payment of such per diem and reimbursement of such travel expenses may be made from appropriations authorized to be used for such purposes.*
- (4) *Council meetings; election of officers.—The Council shall conduct its initial meeting by August 1, 2001, and shall meet thereafter at least once every 60 days. In its initial meeting, the members of the Council shall elect one of themselves to serve as Chair and another to serve as Vice-Chair, each for a term of one year from the date of the election. Any vacancy in the offices of Chair and Vice-Chair resulting from resignation, incapacity or death shall be filled by similar election within 30 days from the date the vacancy is effective.*
- (5) *Administrative and technical support; payment of support costs.—The State Technology Office shall provide such administrative and technical support to the Council as is reasonably necessary for the Council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties imposed on the State Technology Office related to design and implementation of the programs authorized above may be paid from appropriations authorized to be used for such purposes.*
- (6) *Powers and duties of Council.—The Digital Divide Council, through the State Technology Office, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The State Technology Office shall present and demonstrate to the Council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section, and each such program shall be reviewed and approved by the Council before being implemented. Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if deployed throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the Digital Divide Council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards, and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.*
- (7) *Program objectives and goals.—The programs authorized by this section shall have the following objectives and goals:*
- (a) *Maximizing efficient and productive use of existing facilities, equipment, personnel, programs and funds available from federal, state and local government agencies, and from any private person or entity;*
- (b) *Using innovative concepts employing newly developed technologies in educating and training those who are enrolled in the programs authorized by this section;*
- (c) *Developing viable partnerships between public agencies and private persons and entities based on mutual commitment to responsible and dedicated participation in designing and implementing the programs authorized by this section;*
- (d) *Recruiting, enrolling, retaining and graduating as many at-risk family members as feasible to ensure that they have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to competitively qualify them for high skill/high wage employment;*
- (e) *Reducing the number of underachieving and failing students in the state's public school systems who are members of at-risk families;*
- (f) *Reducing the number of underemployed and unemployed members of at-risk families;*
- (g) *Using information technology to facilitate achievement of Sunshine State Standards by all children enrolled in the state's K-12 school system who are members of at-risk families;*
- (h) *Training teachers in the state's K-12 school system to efficiently and effectively use information technology to plan, teach and administer all courses of instruction required and available by election of children enrolled in the system;*
- (i) *Using information technology to enable members of at-risk families who are no longer enrolled in K-12 schools to obtain the education needed to achieve successful completion of general education development test preparation to earn a high school diploma, an applied technology diploma, a vocational certificate, an associate of arts degree, or a baccalaureate degree;*
- (j) *Bridging the digital divide in developing a competitive workforce to meet the employment needs of Florida based information technology businesses and establishing Florida as having the most information technology ready workforce in the western hemisphere.*
- (8) *Monitoring, reviewing and evaluating program performances; reporting results.—The Digital Divide Council, through the State Technology Office, shall continually monitor, review and evaluate the progress of performances realized from implementation of the programs authorized by this section. The State Technology Office shall prepare and submit a report to the Council at least 10 days in advance of each of its meetings subsequent to its initial meeting and each such report shall, at a minimum, identify and describe the functional elements of each program being implemented, and identify and describe the facilities, equipment, personnel, programs and funds used to design and implement the program. For each such program, the report shall also identify by name, address, age and sex the school-age children, and their older siblings and parents who are enrolled in the program, state the educational level achieved by each enrollee as of the date he or she enrolled in the program, state the attendance and achievement level recorded for each enrollee in the program, evaluate the progress each enrollee is making toward successful completion of the program, and identify by name, address, age and sex each enrollee who successfully completes the program. For each such program that is designed to prepare enrollees for high skill/high wage employment, the report shall identify each enrollee who successfully completes the program, describe each such employment position for which each enrollee has applied, identify by name, address and nature of business each Florida based employer to whom each such application for employment has been addressed, state the results each enrollee obtained from making each such application, and describe the nature of any employment obtained and terms of compensation being earned from such employment by each enrollee as a result of making such applications.*
- (9) *Annual report.—By March 1, 2002, the Digital Divide Council, through the State Technology Office, shall report to the Executive Office of the Governor, the Speaker of the Florida House of Representatives, and the President of the Florida Senate the results of the Council's monitoring, reviewing and evaluating such programs since their inception, and*

the Council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 22, after the semicolon (;) insert: stating legislative findings and intent; providing for creation of the Digital Divide Council; authorizing design and implementation of programs; expressing program objectives and goals; providing for review and assessment of program performances;

Senator Klein moved the following amendment to **Amendment 5** which was adopted by two-thirds vote:

Amendment 5A (305668)—On page 3, lines 21-28, delete those lines and insert:

(k) Two members of the Florida House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House, one of whom shall be a member of the Republican caucus, and the other of whom shall be a member of the Democratic caucus; and

(l) Two members of the Florida Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican caucus, and the other of whom shall be a member of the Democratic caucus.

Amendment 5 as amended was adopted by two-thirds vote.

Senator Horne offered the following amendment which was moved by Senator Diaz de la Portilla and adopted by two-thirds vote:

Amendment 6 (935064)—On page 21, delete line 4 and insert:

Section 18. Sections 19 through 21 of this act may be

On motion by Senator Diaz de la Portilla, **CS for CS for SB 2008** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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	
Dawson	Latvala	Rossin	
Diaz de la Portilla	Laurent	Sanderson	

Nays—None

Vote after roll call:

Yea—Bronson, Webster

THE PRESIDENT PRESIDING

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

SB 968—A bill to be entitled An act relating to certificate of need; requiring the certificate-of-need workgroup to address open heart surgery services in its report; requiring final recommendations to be submitted by January 1, 2002; amending s. 408.036, F.S.; providing an exemption from review for the conversion of certain skilled nursing beds to acute care beds; amending s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the certificate-of-need workgroup; amending the scope of responsibility for the workgroup; providing an effective date.

—which was previously considered this day.

Pending further consideration of **SB 968** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 339** was withdrawn from the Committee on Health, Aging and Long-Term Care.

On motion by Senator Clary, the rules were waived and—

CS for HB 339—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; requiring an agreement that a certain percent of Medicaid and charity patients be served; requiring a specified number of operations; amending s. 408.036, F.S.; authorizing certain facilities to request exemption from the certificate of need process; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the workgroup; amending the scope of responsibility for the workgroup; providing new dates for final report to the Governor and Legislature and termination of the certificate-of-need workgroup; providing effective dates.

—a companion measure, was substituted for **SB 968** as amended and read the second time by title.

Senator Clary moved the following amendment:

Amendment 1 (880602)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. The certificate-of-need workgroup created by section 15 of Chapter 2000-318, Laws of Florida, shall include in its report the issue of access to open heart surgery services in areas currently lacking programs or deemed underserved. In evaluating access to open heart surgery, the work group shall consider the restriction of angioplasty to hospitals providing open heart surgery and recommend ways to improve access to primary angioplasty while assuring patient safety and quality of care. The workgroup shall submit its final recommendations on or before January 1, 2002.

Section 2. Paragraph (r) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(r) For the conversion or hospital-based Medicare and Medicaid certified skilled nursing beds to acute care beds, if the conversion does not involve the construction of new facilities.

Section 3. Paragraph (c) of subsection (5) of section 408.039, Florida Statutes, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing only upon a showing that an established program will be substantially affected by the issuance of any certificate of need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program within the same district. Any party appealing a final order approving or denying a certificate of need to a district court of appeal shall place in escrow an amount equal to the proposed project cost or \$500,000, whichever amount is less. If any party appealing a final order fails in the appeal, that party shall pay all costs of litigation, including treble attorney fees, of the party that was issued the certificate of need. Such amounts shall be taken first from the escrow account established for this purpose, the balance to be considered enforceable as an obligation created by final order of the agency. The challenging facility may satisfy the escrow requirement with a bond of sufficient type and amount.

Section 4. Effective July 1, 2001, section 15 of chapter 2000-318, Laws of Florida, is amended to read:

Section 15.

(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.

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

(2) The workgroup shall consist of ~~32~~ 30 members, 10 appointed by the Governor, ~~11~~ 40 appointed by the President of the Senate, and ~~11~~ 40 appointed by the Speaker of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private-sector consultant.

(3) Appointment to the workgroup shall be as follows:

(a) The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long-term-care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.

(b) The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term-care community diversion program, and a health care market consultant with expertise in health care economics, and a member of the Senate.

(c) The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, and one representative of a consumer organization, and a member of the House.

(4) ~~The workgroup shall develop a plan for the reform or elimination of the certificate of need program, which shall include recommendations for required legislative action and agency rule making. Such plan shall be implemented not sooner than the effective date of any rules necessary for its implementation. In developing the plan, the workgroup shall seek input from all classes of health care consumers, health care providers and health care facilities subject to certificate of need review. All agencies, including, but not limited to, the Agency for Health Care Administration and the Department of Elder Affairs, shall provide assistance to the workgroup, upon request. The workgroup shall study issues pertaining to the certificate of need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate of need program.~~

(5) ~~The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit an interim report by December 31, 2001, and a final report by December 31, 2002. The workgroup is abolished effective July 1, 2003.~~

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to certificate of need; requiring the certificate-of-need workgroup to address open heart surgery services in its report; requiring final recommendations to be submitted by January 1, 2002; amending s. 408.036, F.S.; providing an exemption from review for the conversion of certain skilled nursing beds to acute care beds; amending

s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the certificate-of-need workgroup; amending the scope of responsibility for the workgroup; providing an effective date.

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

Amendment 1A (252210)—On page 4, lines 26-29, delete those lines and insert: *include recommended legislative action and agency rule-making. In developing the plan, the workgroup shall*

Amendment 1B (872642)—On page 2, lines 26 and 27, delete those lines and insert: *attorney fees, of the prevailing party. The Agency for Health Care Administration shall not be subject to the provisions of this paragraph except that it shall be entitled to all costs of litigation, including treble attorney fees if it is the prevailing party in an appeal of a final order. Such amounts shall be taken first from the escrow*

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

Senator Klein moved the following substitute amendment:

Amendment 2 (151040)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The certificate-of-need workgroup created by section 15 of Chapter 2000-318, Laws of Florida, shall include in its report the issue of access to open heart surgery services in areas currently lacking programs or deemed underserved. In evaluating access to open heart surgery, the work group shall consider the restriction of angioplasty to hospitals providing open heart surgery and recommend ways to improve access to primary angioplasty while assuring patient safety and quality of care. The workgroup shall submit its final recommendations on or before January 1, 2002.*

Section 2. Paragraph (r) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(r) *For the conversion of hospital-based Medicare and Medicaid certified skilled nursing beds to acute care beds, if the conversion does not involve the construction of new facilities.*

Section 3. Paragraph (c) of subsection (5) of section 408.039, Florida Statutes, is amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing *only* upon a showing that an established program will be substantially affected by the issuance of any certificate of need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program within the same district. *Any party challenging an order approving or denying a certificate of need in an administrative or judicial action shall place in escrow an amount equal to the proposed project cost or \$500,000, whichever amount is less. If any party challenging the order fails in the challenge, that party shall pay all costs of litigation, including treble attorney fees, of the party that was issued the certificate of need. Such amounts shall be taken first from the escrow account established for this purpose, the balance to be considered enforceable as an obligation created by final order of the agency. The challenging facility may satisfy the escrow requirement with a bond of sufficient type and amount.*

Section 4. Effective July 1, 2001, section 15 of chapter 2000-318, Laws of Florida, is amended to read:

Section 15.

(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.

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

(2) ~~The workgroup shall consist of 730 members, 10 appointed by the Governor, 10 appointed by the President of the Senate, and 10 appointed by the Speaker of the House of Representatives. The Governor shall appoint 1 member representing hospitals, 1 member representing hospice, 1 member representing nursing homes, and 2 members representing the Agency for Health Care Administration. The President of the Senate shall appoint 1 member of the Senate. The Speaker of the House of Representatives shall appoint 1 member of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Four Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private sector consultant.~~

(3) ~~Appointment to the workgroup shall be as follows:~~

(a) ~~The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long term care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.~~

(b) ~~The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term care community diversion program, and a health care market consultant with expertise in health care economics.~~

(c) ~~The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, and one representative of a consumer organization.~~

(4) ~~The workgroup shall develop a plan for the reform or elimination of the certificate of need program, which shall include recommendations for recommended legislative action and agency rule making. No plan shall be implemented sooner than the effective date of any rules necessary for its implementation. In developing the plan, the workgroup shall seek input from all classes of health care consumers, health care providers and health care facilities subject to certificate of need review. All agencies, including, but not limited to, the Agency for Health Care Administration and the Department of Elder Affairs, shall provide assistance to the workgroup, upon request. The workgroup shall study issues pertaining to the certificate of need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate of need program.~~

(5) ~~The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit an interim report by December 31, 2001, and a final report by December 31, 2002. The workgroup is abolished effective July 1, 2003.~~

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to certificate of need; requiring the certificate-of-need workgroup to address open heart surgery services in its report;

requiring final recommendations to be submitted by January 1, 2002; amending s. 408.036, F.S.; providing an exemption from review for the conversion of certain skilled nursing beds to acute care beds; amending s. 408.039, F.S.; revising the review process for certificates of need; amending s. 15 of ch. 2000-318, Laws of Florida; providing for membership of the certificate-of-need workgroup; amending the scope of responsibility for the workgroup; providing an effective date.

On motion by Senator Clary, further consideration of **CS for HB 339** with pending **Amendment 1** as amended and **Amendment 2** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 2036** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; and **CS for SB 1614** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; and by two-thirds vote placed on the Special Order Calendar for Thursday May 3; and **SB 506** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

On motion by Senator Lee, by two-thirds vote **SB 940** which has been reported favorably by the Appropriations Subcommittee on Education with amendment, was withdrawn from the Committee on Appropriations and the amendment recommended by the subcommittee will be shown as offered by the Committee on Appropriations.

MOTIONS

On motion by Senator Lee, by two-thirds vote **SB 50** was placed on the Special Order Calendar for Thursday May 3.

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 Thursday May 3.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, May 3.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 3, 2001: CS for CS for SB 1470, HB 1737, SB 1710, CS for CS for SB 1276, CS for SB 986, CS for SB 1780, CS for SB 2096, SB 2114, CS for SB 1534, CS for CS for CS for SB's 310 and 380, CS for CS for SB 1374, CS for SB 386, CS for SB 524, SB 1380, CS for SB 1330, SB 636, SB 1948, CS for SB 2172, CS for SB 1010, CS for SB's 128 and 1598, HB 21, CS for SB 156, CS for SB 256, CS for SB 1772, CS for SB 1816, HB 1707, HB 1711, HB 1717, HB 1719, HB 1741, HB 1743, SJR 124, CS for SB 812, SB 430, CS for SB 402, CS for SB 678, SB 696, CS for SB 1002, CS for SB's 1080 and 950, CS for SB 846, SB 1634, CS for SB's 1708 and 1626, CS for SB 1968, SB 1980, CS for SB 682, CS for SB 792, CS for SB 904, SB 1230, CS for SB 1368, CS for SB 1734, CS for CS for SB 1814, CS for CS for SB's 1960 and 1760, SB 2216, CS for HB 415, CS for SB 910, CS for CS for SB 294, CS for SB 348, CS for SB 2, HB 1821, SB 432, CS for CS for SB 460, SB 768, CS for SB 874, SB 1022, CS for SB 876, SJR 1176, CS for SB 1812, CS for SB 1896, CS for SB 1914, CS for CS for SB 2056, CS for SB 2044, CS for SB 2074, SB 2004, CS for SB 2124, CS for SB 892, CS for SB 934, CS for SB 930, CS for SB 978, CS for CS for CS for SB 1068, CS for SB 1246, SB 1382, CS for SB 1234, SB 1408, CS for SB 1410, CS for SB 1342, SB 1616, CS for CS for SB 2066, SB 1648, SB 1620, CS for SB 1670, SB 254, CS for SB 2210, CS for CS for SB 1612, CS for SB 1310, CS for SB 1902, SB 22, SB 20

Respectfully submitted,
Tom Lee, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, May 2, 2001: SB 510, SB 1270, SB 1888, SB 1892, SB 1990, SB 1996, SB 1998, SB 2274, SB 2276, SB 2296, SB 2304, SB 2310, SB 2326, SB 2340, SB 2342, SB

2354, SB 2356, SB 2358, SB 2374, SB 2382, HB 115, CS for HB 479, HB 585, HB 763, HB 775, HB 777, HB 799, HB 845, HB 847, HB 849, HB 851, HB 857, HB 859, HB 863, HB 867, HB 873, HB 879, HB 885, HB 887, HB 891, HB 897, HB 901, HB 903, HB 905, HB 911, HB 917, HB 919, HB 927, HB 929, HB 931, HB 937, HB 939, HB 941, HB 943, HB 945, HB 975, CS for HB 979, HB 1037, HB 1041, HB 1115, HB 1125, HB 1183, HB 1785, HB 1815, HB 1851, HB 1855, HB 1857, HB 1859, HB 1887, HB 1897, HB 1899, HB 1903

Respectfully submitted,
Tom Lee, Chairman

The Committee on Judiciary recommends the following pass: CS for HB 415 with 2 amendments

The bill was placed on the calendar.

The Committee on Appropriations recommends a committee substitute for the following: CS for SB 792

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

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for CS for SB 792—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.904, F.S.; providing for the agency to pay for health insurance premiums for certain Medicaid-eligible persons; providing for the agency to pay for specified cancer treatment; providing Medicaid eligibility for certain disabled persons under a Medicaid buy-in program, subject to specific federal authorization; directing the Agency for Health Care Administration to seek a federal grant, demonstration project, or waiver for establishment of such buy-in program, subject to a specific appropriation; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; revising standards for payable intermediate care services; authorizing the agency to pay for assistive-care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distribution to rural hospitals; amending s. 409.91195, F.S.; requiring the Medicaid Pharmaceutical and Therapeutics Committee to recommend a preferred drug formulary; revising the membership of the Medicaid Pharmaceutical and Therapeutics Committee; authorizing the Agency for Health Care Administration to implement a prior authorization program for outpatient prescription drugs under the Medicaid program; providing duties of the committee in advising the agency with respect to prior authorization for drugs; providing requirements for the program; requiring public notice and comment; requiring the committee to develop a grievance mechanism; requiring the agency to publish the preferred drug formulary; amending s. 409.912, F.S.; authorizing the agency to establish requirements for prior authorization for certain populations, drug classes, or particular drugs; specifying conditions under which the agency may enter certain contracts with exclusive provider organizations; revising components of the agency's spending-control program; prescribing additional services that the agency may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted-drug formulary; directing the agency to establish a demonstration project in Miami-Dade County to provide minority health care; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for assignment of certain Medicaid recipients to managed-care plans; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid

ceilings on certain types of hospitals and for special Medicaid reimbursement to hospitals; revising the level of county participation; providing for distribution of funds under the disproportionate share program for specified hospitals for the 2001 federal fiscal year; providing effective dates.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 477, CS for HB 717, CS for HB 1385, CS for HB 1701; has passed as amended CS for HB 41, CS for HB 137, CS for HB 161, CS for HB 175, CS for HB 199, HB 251, CS for CS for HB 411, HB 465, CS for HB 475, HB 579, HB 625, HB 757, CS for HB 949, HB 1067, HB 1091, HB 1111, HB 1197, HB 1223, HB 1225, CS for HB 1253, CS for HB 1361, HB 1429, CS for CS for HB 1509, HB 1655, CS for HB 1803, CS for HB 1805, HB 1811, CS for HB 1927, HB 1981; has passed by the required Constitutional three-fifths vote of the membership HJR 1451, HB 1919; has passed as amended by the required Constitutional three-fifths vote of the membership HB 1265 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Hogan and others—

HB 477—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies parents who leave newborn infants at emergency medical services stations; providing an exception; providing an exemption from public records requirements for information contained in the Paternity Registry; providing for future legislative review and repeal; providing findings of public necessity; providing contingent effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Agriculture and Consumer Affairs; and Representative Stansel—

CS for HB 717—A bill to be entitled An act relating to assessment of agricultural property; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain irrigation systems, litter containment structures, and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Finance and Taxation.

By the Committee on State Administration; and Representative Joyner and others—

CS for HB 1385—A bill to be entitled An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; creating s. 414.295, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member held by the Depart-

ment of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, a local committee, or service providers under contract with any of these entities; authorizing release of such information under specified circumstances; amending s. 445.007, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Children and Families.

By the Committee on State Administration; and Representative Smith—

CS for HB 1701—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; expanding the exemption from public records requirements for identifying information relating to code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By the Committee on Local Government and Veterans Affairs; and Representative Argenziano—

CS for HB 41—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.171, F.S.; deleting the requirement that county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; recovery of rate case expenses; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Council for Smarter Government; and Representative Goolette and others—

CS for HB 137—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising language with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising language with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising language with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising language with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising language with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; clarifying provisions; revising a filing date; revising certain provisions regarding owner's representation; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the

term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding an exclusion to the elective share for property that is part of the protected homestead; amending s. 732.2055, F.S.; redefining "value" for purposes of calculating the elective estate; amending s. 732.2075, F.S.; revising the formula for payment of the elective share; amending s. 732.2085, F.S.; adding a cross reference; amending s. 732.2095, F.S.; correcting a cross reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on other estate interests; amending s. 732.2125, F.S.; revising language with respect to the right of election; amending s. 732.2135, F.S.; revising language with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising language with respect to the order of contribution; amending s. 732.2155, F.S.; revising language with respect to the effective date of certain trusts; providing for applicability of certain provisions under specified circumstances; amending s. 732.218, F.S.; revising language with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising language with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising language with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising language with respect to pretermitted children; amending s. 732.401, F.S.; revising language with respect to descent of homestead; amending s. 732.4015, F.S.; revising language with respect to the definition of "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising language with respect to exempt property; amending s. 732.403, F.S.; revising language with respect to family allowance; amending s. 732.501, F.S.; revising language with respect to who may make a will; amending s. 732.502, F.S.; revising language with respect to execution of wills; amending s. 732.503, F.S.; revising language with respect to self-proof of will; amending s. 732.505, F.S.; revising language with respect to revocation by writing; amending s. 732.507, F.S.; revising language with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising language with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising language with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising language with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising language with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a non-resident under certain circumstances; amending s. 732.702, F.S.; revising language with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising language with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills; eliminating language with respect to willful failure to deposit the will; transferring, amending, and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S.; correcting cross references; amending ss. 381.004 and 381.0041, F.S.; correcting cross references; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising language with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising language with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising language with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising language with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising language with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising language with respect to the discovery of a later will; amending s. 733.209, F.S.; providing

requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising language with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising language with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising language with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising language with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising language with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising language with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising language with respect to the release of surety; amending s. 733.406, F.S.; revising language with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising language with respect to curators; amending s. 733.502, F.S.; revising language with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising language with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising language with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising language with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising language with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising language with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising language with respect to the possession of the estate; amending s. 733.608, F.S.; revising language with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising language with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising language with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising language with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising language with respect to the personal representatives' right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising language with respect to joint personal representatives; amending s. 733.616, F.S.; revising language with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising language with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising language with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising language with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising language with respect to notifying creditors; correcting cross references; amending s. 733.702, F.S.; revising language with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising language with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims;

amending s. 733.705, F.S.; revising language with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising language with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising language with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising language with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising language with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising language with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising language with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising language with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising language with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising language with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising language with respect to ancillary administration; amending s. 734.1025, F.S.; revising language with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising language with respect to the petition for summary administration; amending s. 735.206, F.S.; revising language with respect to summary administration distribution; amending s. 735.2063, F.S.; revising language with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising language with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising language with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising language with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising language with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; correcting cross references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Committee on Natural Resources and Environmental Protection; and Representative Argenziano and others—

CS for HB 161—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for an advisory group to the council; providing for a report to the Legislature; requiring the Southwest Florida Water Management District to provide staff for the council; providing for a Citrus/Hernando Waterways restoration program; providing program tasks; providing for award of contracts subject to an appropriation of

funds; providing for demonstration restoration projects; providing effective dates.

—was referred to the Committee on Natural Resources.

By the Committee on Crime Prevention, Corrections and Safety; and Representative Machek and others—

CS for HB 175—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; amending s. 782.071, F.S., relating to vehicular homicide; providing penalties; amending ss. 921.0022 and 960.03, F.S.; conforming cross references; creating s. 316.1923, F.S.; defining the term “aggressive careless driving”; amending s. 316.650, F.S.; requiring that the Department of Highway Safety and Motor Vehicles revise the uniform traffic citation upon future printings, to include a special check-off box for law enforcement officers to use to indicate aggressive careless driving; requiring the department to make a report to the Legislature on the number of aggressive careless driving incidents; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Judicial Oversight; and Representative Trovillion and others—

CS for HB 199—A bill to be entitled An act relating to substance abuse treatment programs; providing goals for treatment-based drug court programs; requiring judicial circuits to establish a model of treatment-based drug court programs for certain purposes; providing criteria; providing legislative intent; providing certain principles for operating drug court programs; providing for inclusion of certain programs in such drug court programs; amending s. 910.035, F.S.; providing for transferring persons eligible for participation in drug court treatment programs to other jurisdictions under certain circumstances; providing criteria, requirements, and limitations; amending s. 948.08, F.S.; adding persons charged with specified crimes to the list of persons eligible for admission into a pretrial substance abuse program; creating s. 948.16, F.S.; providing for a misdemeanor pretrial substance abuse education and treatment intervention program; providing for admitting certain persons to the program under certain circumstances; providing for disposition of persons in the program; providing criteria; providing contracting requirements for entities providing such a program; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By Representative Kilmer and others—

HB 251—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, school supplies, and certain other items shall be exempt from such tax; defining “clothing” and “school supplies” for purposes of the exemption; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

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

By the Council for Smarter Government; the Committee on Judicial Oversight; and Representative Kyle and others—

CS for CS for HB 411—A bill to be entitled An act relating to mobile homes; amending s. 215.559, F.S.; specifying the amount of funds to be used to inspect and improve tie-downs for mobile homes; requiring the

Department of Community Affairs to contract with a public higher educational institution to serve as an administrative entity and fiscal agent for certain purposes; establishing responsibilities for such administrative entity; requiring a certain Type I Center to develop a work plan for certain purposes; revising the process for establishing an advisory council; requiring an annual report; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.011, F.S.; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors to be appointed by the Secretary of Business and Professional Regulation; providing for terms of office; specifying powers and duties of the board; authorizing the corporation to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the mobile home park; providing exceptions; specifying procedures for payments upon approval of the corporation; authorizing a mobile home owner to abandon the mobile home and collect one-fourth the amount of relocation expenses; providing a penalty; providing for recognition of existing contracts; providing an effective date.

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

By Representative Baker and others—

HB 465—A bill to be entitled An act relating to determinations of residency for tuition purposes; amending s. 240.1201, F.S.; revising provisions relating to determinations of residency for tuition purposes to classify members of the active Florida National Guard as residents for tuition purposes; amending s. 240.2099, F.S.; providing additional authority of the Board of Regents and the State Board of Community Colleges with respect to the implementation of the statewide computer-assisted student advising system; providing for expenditure of specified proceeds; providing an effective date.

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

By the Council for Healthy Communities; and Representative Hogan and others—

CS for HB 475—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient’s Bill of Rights and Responsibilities; replacing references to the term “physical handicap” with the term “handicap”; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.14, F.S.; requiring postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the Department of Health to define by rule the equivalent of

cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; requiring the department to establish rules; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; modifying provisions relating to a retail pharmacy wholesaler's permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgment of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; amending s. 212.055, F.S.; revising provisions relating to the county public hospital surtax; revising procedures and requirements for adoption and implementation of the health care plan for indigent health care services; amending s. 11 of ch. 2000-312, Laws of Florida; postponing future review and repeal of said provisions; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; providing effective dates.

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

By Representative Crow—

HB 579—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.40111, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; providing criteria for the registry; operation of a filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; speci-

fying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers' rights to goods on a seller's repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; creating s. 285.20, F.S.; establishing the Tribal Secured Transactions Filing Offices; specifying nonsupersession of certain provisions; providing effective dates.

—was referred to the Committees on Judiciary; Banking and Insurance; Health, Aging and Long-Term Care; Agriculture and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Bean and others—

HB 625—A bill to be entitled An act relating to security for public deposits; amending ss. 280.02, 280.04, 280.041, 280.05, 280.051, 280.054, 280.055, 280.07, 280.08, 280.09, 280.10, 280.11, 280.13, and 280.16, F.S.; revising definitions; revising provisions requiring collateral for public deposits; providing for use of certain letters of credit; requiring additional collateral under certain circumstances; providing penalties; specifying certain agreements for use as collateral; prohibiting a qualified public depository from acting as its own custodian; authorizing a custodian to withdraw as custodian under certain circumstances; authorizing use of certain letters of credit; providing requirements; revising triggering events for certain actions by the Treasurer; revising powers and duties of the Treasurer; clarifying grounds for suspension or disqualification of a qualified public depository; revising conditions for imposition of an administrative penalty; clarifying criteria for the Treasurer to issue certain orders; providing for contingent liability; clarifying procedures for payment of losses; providing for deposit of draws on letters of credit into the Public Deposits Trust Fund; revising procedures and requirements relating to effect of mergers, acquisitions, or consolidations; providing conditions for eligibility of certain letters of credit as collateral; clarifying requirements of qualified public depositories; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing purposes; requiring the Treasurer to initiate selection of board members; providing for selection of board members by certain qualified public depositories; providing qualifications; providing powers

and duties of the board; authorizing the Treasurer to adopt rules for certain purposes; providing effective dates.

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

By Representative Barreiro and others—

HB 757—A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross reference; providing that the term “civil penalties and fines” does not include reference to a wrecker operator’s lien; amending s. 713.78, F.S., relating to liens; revising conditions for sale of certain vehicles and vessels; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator’s lien has been issued; providing procedures with respect to such liens; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Utilities and Telecommunications; and Representative Attkisson—

CS for HB 949—A bill to be entitled An act relating to local government regulation of water or wastewater utilities; amending s. 367.0816, F.S.; requiring a reduction in utility rates by the amount of certain rate case expenses after a time certain; amending s. 367.171, F.S.; providing for regulation of certain utilities by certain counties; prohibiting exercise of eminent domain by certain governmental entities under certain circumstances; striking provisions relating to the application of ss. 120.569 and 120.57 to county proceedings; providing an effective date.

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

By Representative Kyle—

HB 1067—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Wishner and others—

HB 1091—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; providing for a Florida Golf license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate; providing for the distribution and use of fees; requiring the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; providing an effective date.

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

By Representative Allen and others—

HB 1111—A bill to be entitled An act relating to the Aerospace Infrastructure Reinvestment Act; creating said act; providing legislative findings; amending s. 212.20, F.S.; providing that the amounts due under

the chapter on sales, use, and other transactions collected by dealers conducting business at a fixed location at the Kennedy Space Center or Cape Canaveral Air Station on admissions thereto and on sales of tangible personal property at such business shall be separately returned and distributed by the Department of Revenue to the Florida Commercial Space Financing Corporation and used for funding aerospace infrastructure; providing an exemption for the reallocation of certain proceeds to the Discretionary Sales Surtax Clearing Trust Fund; providing a definition; providing for rules; providing an effective date.

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

By Representative Berfield and others—

HB 1197—A bill to be entitled An act relating to legislative oversight of governmental programs; amending s. 11.40, F.S.; authorizing the Legislative Auditing Committee to direct the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct audits, reviews, and examinations of certain entities; authorizing the Legislative Auditing Committee to conduct investigations; authorizing the Legislative Auditing Committee to hold hearings; amending s. 11.42, F.S.; revising the requirements to become Auditor General; transferring report requirement; revising the employment restrictions for employees of the Auditor General; exempting the Auditor General from certain provisions; amending s. 11.45, F.S.; revising definitions; providing for duties of the Auditor General; transferring certain district school board authority; transferring the requirement that a charter school provide for an annual financial audit; transferring the requirement that certain district school boards have certain financial audits; providing for authority of the Auditor General; providing for scheduling and staffing of audits conducted by the Auditor General; requiring the Legislative Auditing Committee to direct an audit of a municipality by the Auditor General under certain circumstances; authorizing a local governmental entity to request an audit by the Auditor General; transferring the requirement that the Office of Program Policy Analysis and Government Accountability maintain a schedule of performance audits; deleting the requirement that the Office of Program Policy Analysis and Government Accountability identify and comment upon certain alternatives in conducting a performance audit; transferring a report distribution requirement; transferring the annual financial auditing provisions related to local governmental entities; transferring the auditor selection procedures for local governmental entities, district school boards, and charter schools; transferring the penalty provisions for failure to file an annual financial audit; providing for Auditor General reporting requirements; transferring the penalty provisions for failure by a local governmental entity to pay for the cost of an audit by the Auditor General; transferring the Legislative Auditing Committee’s authority to conduct investigations; deleting the content required within an audit report issued by the Auditor General; deleting the requirement that an agency head must file a report; deleting a report issued by the Auditor General and the Office of Program Policy Analysis and Government Accountability; transferring the authority for district school boards and district boards of trustees of community colleges for performance audits and financial audits; amending s. 11.47, F.S.; requiring certain officers to provide the Office of Program Policy Analysis and Government Accountability with information; requiring the staff of the Office of Program Policy Analysis and Government Accountability to make proper examinations; providing criminal penalties for false reports; providing penalties for persons who fail to provide the Office of Program Policy Analysis and Government Accountability with records; amending s. 11.51, F.S.; redefining the duties of the office; eliminating the provision requiring the Auditor General to provide administrative support for the office; requiring the office to maintain a schedule of examinations; providing authority to the office to examine certain programs; requiring the office to deliver preliminary findings; providing deadlines for responses to preliminary findings; requiring the office to conduct followup reports; amending s. 11.511, F.S.; redefining the duties of the director of the Office of Program Policy Analysis and Government Accountability; revising employment restrictions for the office staff; providing for postponement of examinations; amending s. 11.513, F.S.; correcting cross references; transferring the authority of the Legislative Auditing Committee; transferring and rewording the authority of the director of the Office of Program Policy Analysis and Government Accountability to postpone projects; amending ss. 14.29, 20.2551, 288.1226, 320.08058, and 943.2569, F.S.; providing for audits of programs; amending s.

20.055, F.S.; transferring the review of state agencies' internal audit reports conducted by the Auditor General; providing responsibilities to agencies' inspectors general; amending ss. 24.105, 39.202, 119.07, 195.084, 213.053, 944.719, and 948.15, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; amending s. 24.120, F.S.; requiring the Department of the Lottery to provide access to the facilities of the department to the Office of Program Policy Analysis and Government Accountability; amending s. 27.3455, F.S.; deleting a reporting requirement; correcting cross references; amending ss. 30.51, 116.07, 122.03, 122.08, 145.022, 145.14, 154.331, 206.60, 212.08, 290.0056, 403.864, 657.008, and 946.31, F.S.; deleting obsolete provisions; amending ss. 110.109, 216.177, 216.178, 216.292, 334.0445, and 985.311, F.S.; designating the Office of Program Policy Analysis and Government Accountability as a recipient of information; amending s. 112.313, F.S.; expanding the definition of employees subject to postemployment restrictions to include the director of the Office of Program Policy Analysis and Government Accountability; amending s. 112.324, F.S.; expanding the list of persons subject to consequences regarding a breach of public trust to include the director and staff of the Office of Program Policy Analysis and Government Accountability; amending ss. 112.63, 175.261, 185.221, 189.4035, 189.412, 189.418, 189.419, 215.94, 230.23025, and 311.07, F.S.; correcting cross references; amending s. 125.01, F.S.; deleting a requirement that the Auditor General retain county audit reports for a specific period of time; amending ss. 154.11, 253.025, and 259.041, F.S.; revising provisions related to the Auditor General; amending s. 163.356, F.S.; deleting the Auditor General from the list of entities receiving a report from a community redevelopment agency; amending s. 189.428, F.S.; revising the criteria to be utilized by a local government conducting an oversight review of a special district; amending ss. 193.074 and 196.101, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; amending ss. 195.096, 228.056, 228.505, 455.32, and 471.038, F.S.; revising provisions related to certain audits; amending s. 215.44, F.S.; deleting the requirement that the Auditor General annually audit the State Board of Administration; revising provisions related to an examination by the Office of Program Policy Analysis and Government Accountability; creating s. 215.86, F.S.; providing for management systems and controls for state agencies; creating s. 215.98, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending ss. 229.8021, 237.40, 240.299, 240.2995, 240.331, 240.3315, 240.5285, 240.711, 250.115, 266.0018, 267.17, 288.1229, 288.809, 372.0215, 413.615, 413.87, 446.609, 944.802, 960.002, and 985.4145, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending s. 218.31, F.S.; providing additional definitions; amending s. 218.32, F.S.; providing that certain entities file an audit report with the Department of Banking and Finance; correcting a cross reference; providing for the Department of Banking and Finance to prescribe the format of local governmental entities that are required to provide for certain audits; transferring the penalty provisions relating to failure of a local governmental entity to file an annual financial report with the Department of Banking and Finance; amending s. 218.33, F.S.; revising provisions related to the establishment of uniform accounting practices and procedures; amending s. 218.38, F.S.; transferring penalty provisions for failure to verify or provide information to the Division of Bond Finance within the State Board of Administration; creating s. 218.39, F.S.; providing for audits of local governmental entities, district school boards, charter schools, and charter technical career centers; providing for the format of county audits; authorizing dependent special districts to be included within the audit of a county or municipality; prohibiting an independent special district from being included within the audit of a county or municipality; providing for a management letter within each audit report; providing for discussion of the auditor's findings and recommendations; providing for a response to the auditor's findings and recommendations; requiring that a predecessor auditor of a district school board provide the Auditor General with access to the prior year's working papers; requiring certain audits to be conducted in accordance with rules adopted by the Auditor General; creating s. 218.391, F.S.; providing for auditor selection procedures; amending s. 218.415, F.S.; correcting a cross reference; transferring responsibilities of the Auditor General; transferring penalty provisions; amending s. 228.093, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access records; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; requiring the office to destroy personally identifiable data under certain circumstances; amending s. 230.23, F.S.; authorizing school boards to employ an internal auditor; authorizing school boards to hire independent certified public accountants; amending s. 240.214,

F.S.; clarifying that accountability reports are to be designed in consultation with the Office of Program Policy Analysis and Government Accountability; amending s. 240.311, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; creating s. 240.3631, F.S.; authorizing district boards of trustees of community colleges to hire an independent certified public accountant to conduct audits; amending s. 240.512, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; requiring the office to maintain confidentiality; amending s. 240.551, F.S.; providing for audits of direct-support organizations; deleting a paragraph which provides for audits of direct-support organizations; amending ss. 240.609, 288.9517, 296.17, 296.41, 403.1826, 550.125, 601.15, and 744.708, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to examine programs; amending s. 290.015, F.S.; providing responsibilities to the Office of Program Policy Analysis and Government Accountability regarding the Florida Enterprise Zone Act of 1994; amending ss. 320.023, 320.08062, and 322.081, F.S.; deleting provisions related to audits of certain organizations; requiring annual attestations of certain organizations; transferring the Auditor General's authority to conduct audits; amending s. 339.406, F.S.; revising provisions related to audits of transportation corporations; providing the Department of Transportation and the Auditor General with the authority to conduct audits of transportation corporations; amending s. 365.171, F.S.; revising the provision related to auditing the 911 fees; correcting a cross reference; amending s. 373.45926, F.S.; replacing certain terms; amending s. 373.507, F.S.; deleting an obsolete provision; correcting a cross reference; providing for the distribution of audits of water management districts; amending ss. 402.73, 411.01, and 413.88, F.S.; deleting provisions related to an audit by the Auditor General; amending s. 403.8532, F.S.; replacing certain terms; amending s. 411.221, F.S.; adding reports issued by the Office of Program Policy Analysis and Government Accountability to the information considered in strategic plan revisions; amending s. 570.903, F.S.; transferring the authority for certain direct-support organizations to conduct business; providing for audits of direct-support organizations; amending s. 616.263, F.S.; providing the Auditor General with the authority to conduct audits; amending s. 943.25, F.S.; providing for the conduct of audits of the criminal justice trust fund; amending s. 944.512, F.S.; providing that certain costs are to be certified by a prosecuting attorney and an imprisoning entity and subject to review by the Auditor General; amending s. 957.07, F.S.; providing responsibilities for the Department of Corrections and the Auditor General; amending ss. 957.11 and 985.416, F.S.; transferring duties from the Auditor General to the Office of Program Policy Analysis and Government Accountability; repealing s. 11.149, F.S., relating to nonapplication of certain provisions to the Legislative Auditing Committee or the Auditor General; repealing s. 11.46, F.S., relating to accounting procedures; repealing s. 125.901(2)(e), F.S., relating to audits of independent special districts related to children's services; repealing ss. 215.56005(2)(l), 216.2815, 228.053(11), 228.082(6), 253.037(3), 288.906(2), 288.9616, 298.65, 348.69, 374.987(3), 380.510(8), 400.335, 403.1837(14), 440.49(14)(i), and 517.1204(14), F.S., relating to authority of the Auditor General to conduct audits; repealing s. 218.415(23), F.S., relating to local government investments; repealing s. 265.607, F.S., relating to audits of local cultural sponsoring organizations; repealing s. 331.419(3), F.S.; deleting obsolete provisions; repealing s. 339.413, F.S., relating to audits of transportation corporations; repealing s. 373.589, F.S., relating to audits of water management districts; repealing s. 388.331, F.S., relating to audits of mosquito control districts and mosquito control programs; repealing ss. 570.912, 581.195, 589.013, and 590.612, F.S., relating to direct support organizations within the Department of Agriculture; amending s. 189.4042, F.S.; providing that an inactive independent special district that was created by a county or municipality through a referendum may be dissolved by the county or municipality after publication of notice as required for the declaration of the inactive status of a special district; amending s. 189.4044, F.S.; reducing the number of weeks such notice of declaration of inactive status must be published; amending s. 189.418, F.S.; providing that a dependent special district may only be budgeted separately with concurrence of the local governing authority upon which said dependent special district is dependent; deleting a requirement that the proposed budget of an independent special district located in one county be filed with the county; deleting requirements for each special district to file certain reports, information, and audits with the local governing authority; amending s. 189.419, F.S., to conform; amending s. 189.429, F.S.; providing the effect of the reenact-

ment of existing law pursuant to the required codification of a special district charter; repealing s. 218.34, F.S.; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Rules and Calendar; Appropriations Subcommittee on Education; and Appropriations.

By Representative Cantens and others—

HB 1223—A bill to be entitled An act relating to construction permitting and inspection; creating the Building Construction Permitting and Inspection Task Force; providing responsibilities; providing for appointment of members; providing for meetings and staffing by the Florida Building Commission; providing for recommendations and a report by a date certain; providing an effective date.

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

By Representative Pickens and others—

HB 1225—A bill to be entitled An act relating to economic development; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for record-keeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the state sales tax; amending s. 212.096, F.S.; redefining the terms “eligible business” and “new employee”; defining the terms “jobs” and “new job has been created”; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term “eligible business”; defining the term “qualified area”; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms “new employee” and “project”; defining the terms “new job has been created” and “jobs”; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.;

revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term “rural enterprise zone”; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms “elderly” and “housing for the elderly” under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; amending s. 446.609, F.S.; deleting a time-period limitation for the “Jobs for Florida’s Graduates” school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation’s board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; authorizing the Department of Citrus or its successor to collect dues or other payments on behalf of certain not-for-profit corporations and their related not-for-profit corporations; providing effective dates.

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

By the Committee on Insurance; and Representative Farkas—

CS for HB 1253—A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain

uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, non-renewal, or cancellation of coverage; specifying coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.6699, F.S.; revising a definition; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; providing an appropriation; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Education Innovation; and Representative Arza and others—

CS for HB 1361—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; prohibiting a public school from using the word “charter” in its name unless it is currently operating under a charter that has been granted pursuant to this section; providing additional purposes of charter schools; requiring a public school to have been in operation for at least 2 years prior to application to convert to charter school status; requiring a school board to provide notice of denial to charter school applicant in writing; prohibiting a sponsor from charging a fee related to the consideration of a charter school application; prohibiting the consideration or approval of a charter school application from being contingent on the promise of future payment of any kind; clarifying provisions relating to appeals of denial of charter school applications; deleting provisions relating to failure to act in accordance with the recommendation of the State Board of Education regarding a charter school application; exempting a charter school from a sponsor’s policies; authorizing charter school cooperatives; deleting a cap on the number of newly created charter schools; authorizing students in a charter school-in-a-development or charter school-in-a-municipality as a condition of eligibility; authorizing students articulating from one charter school to another as a condition of eligibility; authorizing the establishment of reasonable academic, artistic, or other standards as a condition for eligibility; requiring the capacity of a charter school to be annually determined by the charter school’s governing body based on certain factors; allowing required financial records to follow accounting principles for not-for-profit organizations; requiring the charter school governing board to adopt an operating budget; requiring a charter to address the identification and acquisition of appropriate technologies; requiring a charter to address how a school board shall provide academic student performance data to charter schools; requiring a charter to address means for ensuring accountability; requiring a charter to address a description of delineated responsibilities needed to effectively manage the charter school; requiring a charter to address procedures that identify risks and provide an approach to remove the impact of losses; requiring a charter to include a financial plan for the facilities to be used; requiring a charter to address the strategies used to recruit qualified staff; requiring the governing body to exercise continuing oversight over charter school operations; providing for appeal of a sponsor’s decision to terminate a charter; providing for a charter school governing board to request a waiver of statutes directly from the commissioner, rather than through the sponsor; providing for notice of receipt and final disposition of such request; stipulating that a charter school may not knowingly employ an individual whose certification has been revoked by this or any other state; revising criteria for continued employment as a teacher under certain circumstances; requiring student enrollment report to be submitted in a certain format; prohibiting a sponsor from withholding an administrative fee from certain funds; requiring PECO maintenance funds to remain with a conversion charter school; requiring a school board to expedite consideration of a resolution relating to certain revenue procedures; revising provisions relating to compliance with the Flor-

ida Building Code; authorizing the establishment of a charter school-in-a-development and a charter school-in-a-municipality; amending s. 228.0561, F.S.; deleting current capital outlay distribution methods; requiring the Department of Education to distribute capital outlay funds on a monthly basis; amending s. 228.058, F.S.; requiring public schools in a charter school district to vote by a time certain to convert to a charter school; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school; amending s. 159.27, F.S.; redefining the term “educational facility” for purposes of part II of ch. 159, F.S., the Florida Industrial Development Financing Act, to include charter schools and developmental research schools; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Representative Byrd and others—

HB 1429—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

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

By the Council for Lifelong Learning; the Committee on Colleges and Universities; and Representative Diaz-Balart and others—

CS for CS for HB 1509—A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.271, F.S.; requiring that a minimum percentage of funds provided in the General Appropriations Act for fellowship and fee waivers shall be used only to support graduate students or upper-division students in certain disciplines; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S., relating to the Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; requiring school districts to provide each high school student a Florida Bright Futures Scholarship Evaluation Report and Key; amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; revising provisions relating to award limits; amending s. 240.40204, F.S.; updating obsolete language with respect to eligible post-secondary education institutions under the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S.; revising eligibility requirements with respect to the Florida Academic Scholars award; amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; providing restrictions on use of the

award; providing for transfer of awards; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.; revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Representative Clarke—

HB 1655—A bill to be entitled An act relating to workplace regulation; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; transferring certain rules to the Agency for Health Care Administration; amending s. 20.13, F.S.; providing for certain employees of the Division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; creating the Division of Workers' Compensation in the Department of Insurance; repealing s. 20.171, F.S., which creates the Department of Labor and Employment Security; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 110.025, 440.05, 440.09, 440.10, 440.021, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.24, 440.25, 440.271, 440.345, 440.35, 440.38, 440.381, 440.385, 440.386, 440.40, 440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.12, 450.197, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; providing for the continuation of contracts and agreements; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and

duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; providing legislative intent; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing appropriations; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.824, and 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in places of firefighter employment and establish standards for construction, repair, and maintenance; requiring the division to inspect places of firefighter employment and to develop safety and health programs for those firefighter employers whose employees have a high frequency or severity of work-related injuries; requiring certain firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of the act; providing exemptions; providing for the source of funding of the division; specifying firefighter employee rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; specifying applicability to volunteer firefighters and volunteer fire departments; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; amending s. 633.31, F.S.; changing the name and membership of the Firefighters Standards and Training Council; amending ss. 383.3362, 633.30, and 633.32, F.S., to conform; amending s. 633.33, F.S.; revising certain powers of the council; specifying controlling legislation in the event of a conflict; providing effective dates.

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

By the Council for Competitive Commerce; the Committee on Insurance; and Representative Waters and others—

CS for HB 1803—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary

limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and

Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Competitive Commerce; the Committee on Insurance; and Representative Waters and others—

CS for HB 1805—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public-records requirements for motor vehicle crash reports that reveal specified information; providing that such reports may be made available to certain parties; providing for future review and repeal; providing penalties for the unlawful disclosure of confidential information and for unlawfully obtaining or attempting to obtain confidential information; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

By the Committee on Information Technology; and Representative Hart and others—

HB 1811—A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S.; relating to review of agency information resources management needs; providing that the Technology Review Workgroup and the State Technology Office shall independently review specified long-range program plans and make recommendations with respect thereto; providing reporting requirements; revising powers and duties of the Technology Review Workgroup; amending s. 216.181, F.S.; relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology

Office has primary responsibility and accountability for information technology matters within the state; providing that the office shall take no action with respect to specified information technology and information technology personnel deemed necessary by cabinet officers; amending and renumbering s. 282.303, F.S.; revising definitions; defining "information technology"; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be considered an agency head; providing for administrative support and service from Department of Management Services; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; providing for a State Chief Privacy Officer; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending s. 282.104, F.S., to conform; amending s. 282.105, F.S., to conform; amending s. 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S., to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office's authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending s. 282.318, F.S., to conform; amending s. 282.322, F.S.; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; amending s. 216.163, F.S.; providing that the Governor's recommended budget shall include recommendations for specified high-risk information technology projects; amending s. 119.07, F.S.; defining "information technology resources" and "data processing software"; amending ss. 119.083, F.S.; correcting cross references; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources which were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; amending s. 11.90, F.S.; requiring the Legislative Budgeting Commission to review specified information resources management needs, State Technology Office policies, and specified budget amendments; providing an effective date.

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

By the Council for Competitive Commerce; the Committee on Insurance; and Representative Waters and others—

CS for HB 1927—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.06, F.S.; requiring employers to secure compensation; amending s. 440.09, F.S.; limiting compensation for certain impairments; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.10, F.S.; specifying liability for compensation; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.11, F.S.; providing for exclusiveness of liability; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.; revising a definition; revising certain grievance procedures for workers' compensation managed care arrangements; amending s. 440.14, F.S.; providing for determination of pay; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.151, F.S.; providing for compensation for occupational diseases; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers' Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; specifying time for payment of compensation; prohibiting approval of settlement proposals providing for attorney's fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims adopt and enforce certain uniform local rules; specifying resolution of determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney's fees in medical-only cases; prohibiting approval of attorney's fees in excess of certain amounts; deleting criteria for determining certain attorney's fees; amending s. 440.345, F.S.; requiring a summary report of attorney's fees to the Governor and the Legislature; amending s. 440.39, F.S.; specifying duties of carriers with respect to certain evidence; amending s. 627.0915, F.S.; deleting obsolete provisions; providing that determinations under ss. 112.18, 112.181, 112.19, F.S., are not affected; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Fiscal Policy and Resources; and Representative Wallace—

HB 1981—A bill to be entitled An act relating to tax administration; amending s. 45.031, F.S.; providing for notice of disbursement of the proceeds of a judicial sale to the Department of Revenue under certain conditions when it was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation; amending s. 69.041, F.S.; authorizing the department to participate in the distribution of surplus funds remaining after such disbursement when it has an interest in an unemployment compensation tax lien pursuant to such a contract; amending s. 212.08, F.S.;

reducing the maximum amount of the tax which is imposed upon industrial machinery and equipment; amending s. 213.053, F.S.; providing application of confidentiality and information sharing provisions to ch. 443, F.S., while the department is performing such tax collection services; amending s. 11, ch. 2000-165, Laws of Florida; specifying that the department is administering a revenue law when it provides such tax collection services and specifying the provisions of ch. 213, F.S., that apply thereto; amending s. 201.02, F.S.; providing that the documentary stamp tax on deeds and other instruments relating to real property or interests in real property does not apply to a contract to sell the residence of an employee relocating at an employer's direction, or related documents, under specified circumstances; providing intent; exempting deeds and other instruments whereby property is conveyed from an electric utility to a regional transmission organization from said tax under certain circumstances; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" payments made by such an organization to an electric utility under certain conditions; 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. 212.06, F.S.; revising the definition of "fixtures" for purposes of determining if a person is improving real property under ch. 212, F.S.; providing intent; amending s. 212.08, F.S.; specifying conditions for receipt of sales tax exemptions provided to an entity under ch. 212, F.S., and subsection (7) of said section; providing for retroactive application; deleting obsolete provisions relating to registration with the WAGES Program Business Registry; providing for retroactive application; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk driving prevention, and juvenile delinquency prevention services; providing for determination of a mileage apportionment factor for the first year of operation in this state of vessels, railroads, or motor vehicles engaged in interstate or foreign commerce and entitled to a partial sales tax exemption; correcting references; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the vendor instead of the department for purposes of the sales tax exemption for machinery and equipment used to produce electrical or steam energy; providing for retroactive application; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; replacing the definitions of "section 38 property" with express definitions of "industrial machinery and equipment" and "motion picture or video equipment" and "sound recording equipment" for purposes of the sales tax exemptions therefor; providing intent and purpose; providing that provisions authorizing a partial sales tax exemption for a motor vehicle sold to a resident of another state do not require payment of tax to this state for prior assessments under certain conditions; providing for retroactive application; providing that a vehicle purchased by a nonresident corporation or partnership is not eligible for the partial sales tax exemption under certain circumstances; repealing s. 212.084(6), F.S.; eliminating provisions for temporary sales tax exemption certificates for newly organized charitable organizations; repealing s. 4, ch. 96-395, Laws of Florida, which provides for the repeal of sales tax exemptions for certain citizen support organizations and the Florida Folk Festival; providing for retroactive application; amending s. 213.285, F.S.; delaying the future repeal of the certified audits project; amending ss. 213.053 and 213.21, F.S., to conform; amending s. 213.30, F.S., relating to compensation for information relating to a violation of tax laws; specifying that said section is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; providing applicability; repealing s. 213.27(9), F.S., which authorizes the department 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 the agreement must require each state to abide by certain requirements in order for the department to enter into the agreement; authorizing the state to enter into multistate discussions and providing for appointment of delegates; specifying relationship of the agreement to state law; specifying the effect of the agreement with respect to persons other than member states; providing that government actions or state laws cannot be challenged on the basis of inconsistency with the agreement; providing liabilities and responsibilities of sellers, certified service providers, and providers of certified automated systems; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature regarding compliance with the agreement; reviving and readopting s.

215.20(3), F.S., which provides for deduction of a service charge from certain trust funds; amending s. 220.22, F.S.; eliminating the initial year's corporate tax information return for subchapter S subsidiaries and directing the department to designate by rule entities that are not required to file a corporate tax return; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; 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; repealing s. 624.509(10), F.S., which provides an exemption from the insurance premium tax for insurers who write monoline flood insurance policies not subsidized by the Federal Government; providing effective dates.

—was referred to the Committee on Finance and Taxation.

By Representative Negron and others—

HJR 1451—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

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

By the Committee on General Government Appropriations; and Representative Dockery and others—

HB 1919—A bill to be entitled An act relating to trust funds; creating s. 282.23, F.S.; creating the Technology Enterprise Trust Fund within the Department of Management Services; providing for sources of funds and purposes; providing for creation of a reserve account; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By Representative Dockery—

HB 1265—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 723.06115, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing purposes; providing funding; providing for legislative review and termination or re-creation of the trust fund; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park which requires a mobile home owner to move; providing exceptions; providing an appropriation; providing a contingent effective date.

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

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 150, CS for SB 178, CS for SB 252, SB 272, CS for CS for SB 366, CS for SB 408, SB 654, CS for SB 684, SB 810, CS for CS for SB 870, CS for SB 888, SB 1142, CS for SB 1366, CS for CS for SB 1376, SB

1428, CS for SB 1568, CS for SB 1662, CS for SB 1836, CS for CS for SB 1878, CS for CS for SB 1880, CS for SB 1922, CS for SB 1932, CS for SB 2174 and SB 2308; has passed CS for SB 1540 by the required Constitutional three-fifths vote of the membership of the House; and has adopted SCR 2106.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-SPONSORS

Senators Holzendorf—CS for CS for SB 2008; Wasserman Schultz—CS for CS for SB 784

VOTES RECORDED

Senator King was recorded as voting “yea” on the following bills which were considered April 27: **CS for SB 962** and **SB 1170**.

RECESS

On motion by Senator Lee, the Senate recessed at 6:55 p.m. to reconvene at 9:00 a.m., Thursday, May 3 or upon call of the President.