



# Journal of the Senate

Number 8—Regular Session

Thursday, February 14, 2002

## CONTENTS

Call to Order	245
Claim Bill Calendar	251
Co-Sponsors	263
Committee Substitutes, First Reading	255
Executive Business, Appointment Reports	255
Executive Business, Appointments	262
House Messages, Final Action	263
House Messages, First Reading	263
Motions	245
Motions Relating to Committee Meetings	247, 254
Motions Relating to Committee Reference	245, 254
Reports of Committees	254
Resolutions	245
Senate Pages	263
Special Order Calendar	246, 247

## CALL TO ORDER

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

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

Excused: Senator Dyer

## PRAYER

The following prayer was offered by the Rev. Gary DeBerry, Pastor, Forest Grove Baptist Church, Alachua:

Dear God, we thank you for this day and for your many blessings. It is a privilege indeed to be able to come before you with our concerns and petitions. Again and again you have demonstrated your genuine love for us and your ability to meet our every need. So we come before you today with positive expectations and confidence that you will hear our prayer and guide our paths. Keep us close to you and humble before you.

On this special day we remember those who are near to our hearts. We all have families and friends who support us in a variety of ways and make it easier for us to be about our business. We give you thanks for their support and ask you to bless them.

We are thankful for the ways that the men and women of this Senate have been uniquely equipped to serve the wonderful people of this state. We pray that you will help each Senator to remain faithful and dedicated to his or her elected task.

God, you are very aware of the growing uncertainties that we face in our land. People are looking for stability and dependability. Grant these

men and women the patience, endurance, courage and wisdom they need to find solutions for the challenges before us and to promote a sense of calm and assurance for the days ahead. And specifically, we pray that you will help these elected leaders to conduct the affairs they consider today in the most efficient and effective manner possible.

In thy name, we pray. Amen.

## PLEDGE

Senate Pages Abrium "Torrey" Evans of Tampa, Stephen Carr of Tallahassee and Priscilla Johnson of Miami led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Rudolph Moise, D.O. of North Miami, sponsored by Senator Meek, as doctor of the day. Dr. Moise specializes in General Practice.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 1560** was withdrawn from the Committees on Commerce and Economic Opportunities; Education; Governmental Oversight and Productivity; and Rules and Calendar; and referred to the Committees on Education; Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar; **SB 1192** was also referred to the Committee on Rules and Calendar; **SB 2124** was withdrawn from the Committees on Natural Resources and Judiciary and referred to the Committees on Judiciary and Appropriations.

## MOTION

On motion by Senator Lee, the rules were waived and the Secretary was directed to transmit **CS for CS for SB 1106** and **CS for SJR 938** to the House at the direction of the President.

## ADOPTION OF RESOLUTIONS

On motion by Senator Pruitt—

By Senator Pruitt—

**SR 2432**—A resolution recognizing February 14, 2002, as "Developmental Disabilities Awareness Day."

WHEREAS, the Florida Developmental Disabilities Council, Inc., is the Florida entity charged by federal legislation to plan and advocate for programs that allow persons with developmental disabilities to achieve optimum independence and to promote innovative programs and practices that improve the quality of life for these individuals, and

WHEREAS, the Florida Developmental Disabilities Council, Inc., sponsors events like "DD Awareness Day" to provide a setting in which other agencies and organizations can provide information about services and products for persons having a disability and promote understanding about the challenges and obstacles in the everyday lives of persons having a disability, and

WHEREAS, "DD Awareness Day" is an appropriate time to recognize Florida's public-policy accomplishments concerning persons having a disability and also to identify the improvements to public policy which are needed to ensure inclusion and that appropriate services are ob-

tained by all of Florida's residents having a developmental disability, and

WHEREAS, the Florida Developmental Disabilities Council, Inc., on February 14, 2002, will honor two outstanding legislators for their hard work and dedication in making the lives of persons having a disability better, by presenting to Representative Sandy Murman and Senator Ken Pruitt the 2002 Outstanding Legislator Awards for their advocacy on behalf of Florida's residents having a developmental disability, NOW, THEREFORE,

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

That the Florida Senate commends the Florida Developmental Disabilities Council, Inc., for its encouragement of all Floridians to actively participate in events that appropriately recognize and celebrate the diverse population of this state, including persons having a developmental disability.

BE IT FURTHER RESOLVED that the Senate recognizes February 14, 2002, as "Developmental Disabilities Awareness Day" and joins the Florida Developmental Disabilities Council, Inc., in urging all Florida residents to promote, sponsor, and participate in "DD Awareness Day."

—was introduced out of order and read by title. On motion by Senator Pruitt, **SR 2432** was read the second time and adopted.

### SPECIAL ORDER CALENDAR

On motion by Senator Villalobos—

**SB 196**—A bill to be entitled An act relating to the exclusionary rule; creating s. 90.959, F.S.; providing legislative findings regarding the Division of Driver Licenses and the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles; providing legislative findings regarding records maintained by the divisions; providing legislative findings regarding the missions of the divisions and the department; providing legislative findings regarding the application of the exclusionary rule; prohibiting the exclusion of evidence in certain circumstances; amending s. 322.20, F.S.; providing that the creation and maintenance of records of the Department of Highway Safety and Motor Vehicles and the Division of Driver Licenses pursuant to ch. 322, F.S., are not law enforcement functions; amending s. 320.05, F.S.; providing that the creation and maintenance of records of the Department of Highway Safety and Motor Vehicles and the Division of Motor Vehicles and the Division of Motor Vehicles pursuant to ch. 320, F.S., are not law enforcement functions; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (541334)**—In title, on page 1, delete line 23 and insert: and the

Pursuant to Rule 4.19, **SB 196** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

**CS for SB 188**—A bill to be entitled An act relating to manslaughter; amending s. 782.07, F.S.; providing that a person who causes the death, through culpable negligence, of a law enforcement officer, a firefighter, an emergency medical technician, or a paramedic while the law enforcement officer, firefighter, emergency medical technician, or paramedic is performing duties of employment commits the offense of aggravated manslaughter; providing an enhanced penalty; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

**Amendment 1 (930104)(with title amendment)**—On page 1, line 22 and on page 2, lines 13, 19 and 20, delete "a law enforcement" and insert: an

And the title is amended as follows:

On page 1, line 5, delete "a law enforcement" and insert: an

**Amendment 2 (873916)(with title amendment)**—On page 2, line 16, delete "law enforcement"

And the title is amended as follows:

On page 1, line 7, delete "law enforcement"

Pursuant to Rule 4.19, **CS for SB 188** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

**CS for SB 520**—A bill to be entitled An act relating to driver's licenses; amending s. 322.051, F.S.; revising application requirements for the issuance of an identification card; revising the expiration period for an identification card issued to a person who established his or her identity by using specified identification documents; amending s. 322.08, F.S.; revising application requirements for the issuance of a driver's license; amending s. 322.17, F.S.; revising requirements relating to the issuance of a duplicate driver's license; amending s. 322.18, F.S.; revising the expiration period for a driver's license issued to a person who established his or her identity by using specified identification documents; requiring a person issued such a license to renew it in person and submit certain identification documents; amending s. 322.19, F.S.; revising requirements relating to name and address changes for driver's licenses; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of such license or card; authorizing investigations of a violation of certain provisions; providing a penalty; providing an effective date.

—was read the second time by title.

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

**CS for CS for SB 522**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; amending s. 316.2397, F.S.; authorizing the emergency-response vehicles of the Department of Health to use red flashing lights; reenacting s. 316.520, F.S., relating to penalties for violation of load limits on vehicles; amending s. 319.001, F.S.; revising definitions with respect to component parts of motor vehicles; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to affix a decal on rebuilt motor vehicles; redefining the term "assembled from parts" and eliminating the definition of the term "combined"; providing a penalty for the removal of rebuilt decals; amending s. 319.22, F.S.; prohibiting the transfer of title without a purchaser's name; providing a penalty; amending s. 319.30, F.S.; redefining the term "major component part"; providing a penalty for falsely reporting certain information to the Department of Highway Safety and Motor Vehicles; amending s. 319.22, F.S.; prohibiting the transfer of title without a purchaser's name; providing a penalty; amending s. 319.32, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 319.33, F.S.; revising provisions relating to state-assigned vehicle identification numbers; amending s. 320.03, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 320.27, F.S.; revising provisions relating to the denial, suspension, or revocation of motor vehicle dealer licenses; amending s. 320.60, F.S.; redefining the term "motor vehicle"; amending s. 328.73, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 713.78, F.S.; limiting the number of times a certificate of destruction may be reassigned; authorizing employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers to inspect certain records; providing penalties for failure to maintain or produce certain records; providing an effective date.

—was read the second time by title.

Senator Holzendorf moved the following amendment:

**Amendment 1 (643710)**—On page 10, lines 18 and 19, delete “*Any salvage motor vehicle dealer or his or her employee*” and insert: *Anyone*

On motion by Senator Sebesta, further consideration of **CS for CS for SB 522** with pending **Amendment 1 (643710)** was deferred.

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**CS for SB 560**—A bill to be entitled An act relating to the Inmate Welfare Trust Fund; amending s. 945.215, F.S.; prohibiting use of funds for certain purposes; authorizing use of funds for certain purposes; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendment:

**Amendment 1 (250350)**—On page 2, line 31, delete “other” and insert: *similar ether*

On motion by Senator Futch, further consideration of **CS for SB 560** with pending **Amendment 1 (250350)** was deferred.

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On motion by Senator King—

**SB 264**—A bill to be entitled An act relating to drug-free workplaces; amending s. 440.102, F.S.; clarifying that drug testing must be conducted in conformity with that section in order for an employer to qualify as having a drug-free workplace program; requiring certain contractors to implement a drug-free workplace program under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 264** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Laurent—

**CS for SB 132**—A bill to be entitled An act relating to tobacco; prohibiting the sale, offer for sale, or display of tobacco products under specified circumstances; providing exceptions; providing a penalty; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 132** was placed on the calendar of Bills on Third Reading.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the meeting of the Committee on Reapportionment scheduled this day from 2:30 p.m. until completion was canceled.

## SPECIAL ORDER CALENDAR, continued

On motion by Senator Brown-Waite—

**SB 292**—A bill to be entitled An act relating to high school graduation requirements; amending s. 232.246, F.S.; providing for the award of a standard high school diploma to certain Korean War Veterans; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (243736)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (12) is added to section 232.246, Florida Statutes, to read:

232.246 General requirements for high school graduation.—

(12) *The Commissioner of Education may award a standard high school diploma to honorably discharged veterans who started high school between 1946 and 1950 and were scheduled to graduate between 1950 and 1954, but were inducted into the United States Armed Forces between June 1950 and January 1954, and served during the Korean War prior to completing the necessary high school graduation requirements. Upon the recommendation of the commissioner, the State Board of Education may develop criteria and guidelines for awarding such diplomas.*

Section 2. This act shall take effect July 1, 2002.

Pursuant to Rule 4.19, **SB 292** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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## SENATOR SMITH PRESIDING

On motion by Senator Peadar—

**SB 1028**—A bill to be entitled An act relating to pharmacy; amending s. 465.009, F.S.; allowing continuing professional pharmaceutical education requirements to be met at any time during the biennial preceding application for license renewal by eliminating the requirement that a specified number of hours of the biennial requirements be done each year; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1028** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Saunders—

**CS for SB 256**—A bill to be entitled An act relating to the Subscriber Assistance Program; amending s. 408.7056, F.S.; redesignating the Statewide Provider and Subscriber Assistance Program as the Subscriber Assistance Program; requiring the Subscriber Assistance Panel to hold the record of a grievance hearing open for a specified period after the hearing; revising the Agency for Health Care Administration's authority to obtain records associated with subscriber grievances; requiring the Agency for Health Care Administration to impose a fine for each violation relating to the production of records from a health care provider or managed care entity; specifying procedures for handling a tie vote by the the Subscriber Assistance Panel; specifying circumstances under which the agency or the Department of Insurance may delay issuance of a proposed final order or emergency order recommended by the panel; requiring that the Agency for Health Care Administration develop a training program for panel members; amending ss. 641.3154, 641.511, 641.58, F.S.; redesignating the Statewide Provider and Subscriber Assistance Panel as the Subscriber Assistance Panel; requiring that a subscriber or the provider acting on behalf of a subscriber be notified of the right to submit a written grievance if a case is unresolved; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 256** was placed on the calendar of Bills on Third Reading.

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On motion by Senator King—

**SB 332**—A bill to be entitled An act relating to athlete agents; amending s. 468.452, F.S.; redefining the term “athlete agent”; amending s. 468.453, F.S.; revising licensure requirements; providing for service of process on nonresident agents; providing for temporary licenses; amending s. 468.454, F.S.; revising contract requirements; providing for cancellation of contracts; amending s. 468.456, F.S.; providing for increased administrative fines; amending s. 468.45615, F.S.; providing additional criminal penalties for certain acts; amending s. 468.4562, F.S.; revising provisions relating to civil remedies available to colleges and universities for violations of athlete agent regulations; amending s. 468.4565, F.S.; revising business record requirements; repealing s. 468.4563, F.S., relating to authority to require continuing education by athlete agents;

repealing s. 468.4564, relating to license display requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 332** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

**CS for SB 460**—A bill to be entitled An act relating to special assessments; creating ss. 125.0168 and 166.223, F.S.; providing the method for the levy of assessments by counties and municipalities on recreational vehicle parks; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 460** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

**CS for SB 330**—A bill to be entitled An act relating to credit service organizations; amending s. 817.7005, F.S.; eliminating an exception to the prohibited charging or receiving of money or valuable consideration prior to complete performance of specified services by a credit service organization; eliminating a condition for the establishment of a trust account; amending s. 817.701, F.S.; requiring credit service organizations to obtain a surety bond in a specified amount; conforming provisions; amending s. 817.702, F.S.; revising provisions relating to the issuance of an information statement to a buyer of services of a credit service organization; amending s. 817.703, F.S., relating to information statement requirements, to conform; revising the content of such statement to conform to federal provisions concerning the time period for requesting review of certain consumer-reporting-agency files; authorizing the Attorney General to enforce the Credit Repair Organizations Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 330** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

**CS for SB 622**—A bill to be entitled An act relating to commercial transportation; providing a penalty for the illegal use of any means of public or commercial transportation or conveyance to commit any felony or to facilitate the commission of any felony; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 622** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

**SB 184**—A bill to be entitled An act relating to high-occupancy vehicle lanes; amending s. 316.0741, F.S.; allowing certain energy-saving vehicles to travel in such lanes, regardless of occupancy; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

**Amendment 1 (703394)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsections (4) and (5) are added to section 316.0741, Florida Statutes, to read:

316.0741 High occupancy vehicle lanes.—

(4) *Notwithstanding any other provision of this section, an inherently low-emission vehicle (ILEV) that is certified and labeled in accordance with federal regulations may be driven in an HOV lane at any time, regardless of its occupancy. The department shall issue a decal and registration certificate, to be renewed annually, reflecting the HOV lane designation on inherently low-emission vehicles authorizing such use. The department may charge a fee for the decals, at a price not to exceed the costs of designing, producing, and distributing each decal, or \$5, whichever is less. The proceeds from sale of the decals shall be deposited in the Highway Safety Operating Trust Fund.*

(5) *The department has specific authority to adopt rules addressing the design, production, and distribution of the decals described in subsection (4); the enforcement of ILEV use of HOV lanes; and the purchase and renewal of such decals.*

Section 2. This act shall take effect October 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to high occupancy vehicle lanes; amending s. 316.0741, F.S.; allowing certain energy-saving vehicles to travel in such lanes, regardless of occupancy; providing for a decal and registration certificate; providing for a fee; providing rulemaking authority; providing an effective date.

Pursuant to Rule 4.19, **SB 184** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Futch, by two-thirds vote **HB 561** was withdrawn from the Committees on Transportation; and Comprehensive Planning, Local and Military Affairs.

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

**HB 561**—A bill to be entitled An act relating to disabled parking permits; amending s. 320.0848, F.S.; providing that certain advanced registered nurse practitioners and physician assistants may provide certification for disability required for the issuance of a disabled parking permit; providing an effective date.

—a companion measure, was substituted for **SB 350** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 561** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

**CS for SB 664**—A bill to be entitled An act relating to real estate professionals; amending s. 475.17, F.S.; requiring educational courses that are prerequisites to licensure as a broker, broker-salesperson, or salesperson or the maintenance or renewal of such licensure to be made available by means of distance learning; providing requirements for the provision and satisfactory completion of such distance-learning courses; amending s. 475.182, F.S., relating to continuing education requirements, to conform; amending s. 475.451, F.S., relating to schools teaching real estate practice, to conform; reenacting s. 475.05, F.S., to provide the Florida Real Estate Commission rulemaking authority with respect to implementation of the distance-learning courses required by this act; amending s. 475.618, F.S., relating to real estate appraisers; requiring distance learning to be made available for continuing education courses; placing restrictions on examination requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 664** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 954** was deferred.

**SB 1104**—A bill to be entitled An act relating to certified audits; amending ss. 213.053, 213.21, 213.285, F.S.; postponing the repeal of provisions relating to the certified audits project; providing an effective date.

—was read the second time by title.

On motion by Senator Sullivan, further consideration of **SB 1104** was deferred.

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On motion by Senator Sebesta—

**SB 476**—A bill to be entitled An act relating to a public-records exemption for certain information relating to deepwater ports; amending s. 315.18, F.S.; abrogating the future legislative review and repeal of the exemptions scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 476** to **HB 275**.

Pending further consideration of **SB 476** as amended, on motion by Senator Sebesta, by two-thirds vote **HB 275** was withdrawn from the Committee on Transportation.

On motion by Senator Sebesta—

**HB 275**—A bill to be entitled An act relating to a public records exemption for certain records held by deepwater ports; amending s. 315.18, F.S., which provides an exemption from public records requirements for any proposal or counterproposal exchanged between a nongovernmental entity and a deepwater port, or any financial records submitted by a nongovernmental entity to a deepwater port, relating to the sale, use, or lease of land or of port facilities; reenacting such exemption and removing the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 476** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 275** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Brown-Waite—

**CS for SB 508**—A bill to be entitled An act relating to environmental control; amending s. 403.813, F.S.; providing an exemption from permitting requirements for the removal of organic detrital material from certain freshwater rivers or lakes; providing an exemption from permitting requirements for specified types of floating vessel platforms or floating boat lifts; providing that such structures are also exempt from certain requirements relating to use or occupancy of lands owned by the Board of Trustees of the Internal Improvement Trust Fund; requiring the Department of Environmental Protection to adopt a rule creating a general permit for certain floating vessel platforms by a specified date; limiting local government regulation of floating vessel platforms and floating boat lifts; providing requirements for a report to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 508** was placed on the calendar of Bills on Third Reading.

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Consideration of **SB 172** was deferred.

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On motion by Senator Peaden—

**CS for SB 682**—A bill to be entitled An act relating to substance-abuse services; amending s. 397.311, F.S.; redefining the term “licensed

service provider”; requiring that licensure standards apply to certain housing locations; redefining the term “service provider personnel,” to add chief financial officers; requiring that owners, directors, and chief financial officers of a substance-abuse service provider undergo a background check pursuant to ch. 435, F.S.; requiring that proof of compliance with local zoning ordinances be included in the applications for licensure; amending s. 397.405, F.S.; clarifying that DUI education and screening services must be licensed if they provide treatment services; amending s. 397.407, F.S.; conforming cross-references; amending s. 397.416, F.S.; conforming cross-references; amending s. 397.451, F.S.; clarifying provisions; requiring level-2 background screening for employees who work with children and with adults who are developmentally disabled; specifying circumstances under which service provider owners, directors, or chief financial officers are not subject to background screening; allowing personnel to request, and the department to grant, an exemption from disqualification; amending ss. 212.055, 440.102, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 682** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Saunders—

**SB 414**—A bill to be entitled An act relating to the long-term care ombudsman program; amending s. 400.0069, F.S.; increasing the maximum membership of the local long-term care ombudsman councils; amending s. 400.0089, F.S.; requiring the State Long-Term Care Ombudsman Council to publish complaint information quarterly; amending s. 400.0091, F.S.; specifying training requirements for employees of the Office of the State Long-Term Care Ombudsman and its volunteers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 414** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Lawson—

**SB 346**—A bill to be entitled An act relating to professions; amending s. 455.271, F.S.; providing general authority for the reinstatement of licenses that have become void; amending s. 473.313, F.S.; providing for the reinstatement of certain public accountancy licenses that have become void; amending s. 489.116, F.S.; providing for the reinstatement of certain contracting licenses that have become void; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 346** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Jones—

**SB 424**—A bill to be entitled An act relating to retired judges; amending s. 25.073, F.S.; redefining the term “retired justice” or “retired judge” with respect to certain justices or judges assigned to temporary duty; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

**Amendment 1 (690618)**—On page 1, line 20, delete “2002” and insert: 2003

Pursuant to Rule 4.19, **SB 424** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**SB 528**—A bill to be entitled An act relating to attorney's fees; amending s. 57.105, F.S.; providing for serving of motions seeking sanctions allowed for unsupported claims or defenses or delay of litigation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 528** was placed on the calendar of Bills on Third Reading.

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Consideration of **SB 1334** was deferred.

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

**SB 1104**—A bill to be entitled An act relating to certified audits; amending ss. 213.053, 213.21, 213.285, F.S.; postponing the repeal of provisions relating to the certified audits project; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **SB 1104** was placed on the calendar of Bills on Third Reading.

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#### THE PRESIDENT PRESIDING

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

**CS for SB 560**—A bill to be entitled An act relating to the Inmate Welfare Trust Fund; amending s. 945.215, F.S.; prohibiting use of funds for certain purposes; authorizing use of funds for certain purposes; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (250350)** by Senator Smith was withdrawn.

Pursuant to Rule 4.19, **CS for SB 560** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Smith—

**SB 954**—A bill to be entitled An act relating to county and municipal employees and contractors; authorizing a county or municipality to require, by ordinance, the screening of an employee, appointee, or applicant for employment or appointment to a position that is critical to security or public safety; authorizing the screening of a contractor, vendor, repair person, or delivery person who has access to public facilities that are critical to security or public safety; requiring that fingerprints of applicants and employees be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation for a check of criminal history records; authorizing the county or municipality to use information obtained from a criminal history record check to determine a person's eligibility for employment or appointment; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (370538)**—On page 2, line 13, following the period (.) insert: *This section is not intended to preempt or prevent any other background screening, including, but not limited to, criminal history record checks, which a county may lawfully undertake.*

**Amendment 2 (675704)(with title amendment)**—On page 3, line 4, following the period (.) insert: *This section is not intended to preempt or prevent any other background screening, including, but not limited to, criminal history background checks, that a municipality may lawfully undertake.*

Section 3. Subsection (1) of section 112.011, Florida Statutes, is reenacted to read, and paragraph (c) is added to subsection (2) of that section, to read:

112.011 Felons; removal of disqualifications for employment, exceptions.—

(1)(a) Except as provided in s. 775.16, a person shall not be disqualified from employment by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime. However, a person may be denied employment by the state, any of its agencies or political subdivisions, or any municipality by reason of the prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the position of employment sought.

(b) Except as provided in s. 775.16, a person whose civil rights have been restored shall not be disqualified to practice, pursue, or engage in any occupation, trade, vocation, profession, or business for which a license, permit, or certificate is required to be issued by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime. However, a person whose civil rights have been restored may be denied a license, permit, or certification to pursue, practice, or engage in an occupation, trade, vocation, profession, or business by reason of the prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought.

(2)

(c) *This section shall not be applicable to the employment practices of any county or municipality relating to the hiring of personnel for positions deemed to be critical to security or public safety pursuant to ss. 125.580 and 166.0442.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, following the semicolon (;) insert: amending s. 112.011, F.S.; permitting denial of employment under certain circumstances by counties and municipalities for positions deemed to be critical to security or public safety;

Pursuant to Rule 4.19, **SB 954** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Smith—

**SB 172**—A bill to be entitled An act relating to violation of the election code; amending s. 104.091, F.S.; providing that any person who conspires with another person to violate the election code or who knowingly gives aid to a person who has violated the code with intent to help such person avoid or escape detection, arrest, trial, or punishment shall be punished as if he or she had committed the violation; providing penalties; amending s. 777.04, F.S.; exempting certain violations of the Florida Election Code from provisions specifying the ranking of an offense under the Criminal Punishment Code; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 172** was placed on the calendar of Bills on Third Reading.

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

**CS for CS for SB 522**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; amending s. 316.2397, F.S.; authorizing the emergency-response vehicles of the Department of Health to use red flashing lights; reenacting s. 316.520, F.S., relating to penalties for violation of load limits on vehicles; amending s. 319.001, F.S.; revising definitions with respect to component parts of motor vehicles; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to affix a decal on rebuilt motor vehicles;

redefining the term "assembled from parts" and eliminating the definition of the term "combined"; providing a penalty for the removal of rebuilt decals; amending s. 319.22, F.S.; prohibiting the transfer of title without a purchaser's name; providing a penalty; amending s. 319.30, F.S.; redefining the term "major component part"; providing a penalty for falsely reporting certain information to the Department of Highway Safety and Motor Vehicles; amending s. 319.22, F.S.; prohibiting the transfer of title without a purchaser's name; providing a penalty; amending s. 319.32, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 319.33, F.S.; revising provisions relating to state-assigned vehicle identification numbers; amending s. 320.03, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 320.27, F.S.; revising provisions relating to the denial, suspension, or revocation of motor vehicle dealer licenses; amending s. 320.60, F.S.; redefining the term "motor vehicle"; amending s. 328.73, F.S.; revising provisions relating to the electronic transfer of funds; amending s. 713.78, F.S.; limiting the number of times a certificate of destruction may be reassigned; authorizing employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers to inspect certain records; providing penalties for failure to maintain or produce certain records; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (643710)** by Senator Holzendorf was adopted.

Senator Latvala moved the following amendments which were adopted:

**Amendment 2 (833458)(with title amendment)**—On page 4, between lines 3 and 4, insert:

Section 4. Subsection (5) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(5)(a) ~~No governmental entity or court shall provide, issue, or maintain any information or orders regarding driver improvement schools or course providers, with the exception of directing inquiries or requests to the local telephone directory heading of driving instruction or the traffic school reference guide. However, The department is authorized to maintain the information and records necessary to administer its duties and responsibilities for driver improvement courses. Where such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1).~~

(b) ~~The department or court may shall prepare for any governmental entity to distribute a traffic school reference guide which lists shall list the benefits of attending a driver improvement school and contains the names of the fully approved course providers with a single telephone number for each provider as furnished by the provider, but under no circumstance may any list of course providers or schools be included, and shall refer further inquiries to the telephone directory under driving instruction.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the first semicolon (;) insert: amending s. 318.1451, F.S.; revising provisions governing driver improvement schools;

**Amendment 3 (222640)(with title amendment)**—On page 21, between lines 13 and 14, insert:

Section 13. Subsection (7) of section 322.095, Florida Statutes, is amended to read:

322.095 Traffic law and substance abuse education program for driver's license applicants.—

(7)(a) ~~No governmental entity or court shall provide, issue, or maintain any information or orders regarding traffic law and substance abuse education program schools or course providers, with the exception of directing inquiries or requests to the local telephone directory heading of driving instruction or the driver's license applicant reference guide. However, The department is authorized to maintain the information and records necessary to administer its duties and responsibilities for the~~

program. Where such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1). *The department shall approve and regulate courses that use technology as the delivery method of all traffic law and substance abuse education courses as the courses relate to this section.*

~~(b) The department shall prepare for any governmental entity to distribute a driver's license applicant reference guide which shall list the benefits of attending a traffic law and substance abuse education school, but under no circumstance may include any list of course providers or schools. The department shall refer further inquiries to the telephone directory heading of driving instruction.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 8, after the first semicolon (;) insert: amending s. 322.095, F.S.; revising provisions governing traffic law and substance abuse education courses;

Pursuant to Rule 4.19, **CS for CS for SB 522** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## CLAIM BILL CALENDAR

On motion by Senator Campbell—

**SB 8**—A bill to be entitled An act for the relief of Towanna Denise Hopkins, incompetent, by and through Willie Lee Hopkins, her father and legally appointed guardian, Robert Keith Bowman, Jr., son of Towanna Denise Hopkins, and Willie Lee Hopkins, individually; authorizing and directing the Florida Board of Regents, the University of South Florida, and the USF Health Sciences Center Insurance Company to compensate them for injuries and damages sustained as a result of the negligence of agents of the Florida Board of Regents by and through the University of South Florida College of Medicine; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 8** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

**CS for SB 10**—A bill to be entitled An act relating to the North Broward Hospital District; providing for the relief of Mark Schwartz, a minor, for injuries sustained as a result of the negligence of employees of the Coral Springs Medical Center; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 10** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**CS for SB 24**—A bill to be entitled An act relating to Martin County; providing for the relief of Margaret B. Helm for injuries and damages sustained as a result of the negligence of the Martin County Volunteer Fire Department; specifying the use of funds appropriated; providing for reimbursement of Medicaid Brain and Spinal Cord Injury Program, and Vocational Rehabilitation Services expenditures; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 24** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

**SB 26**—A bill to be entitled An act relating to the City of Clearwater; providing for the relief of Eva Skowronek as the widow of Wieslaw

Skowronek and for the relief of Anna Marie, Victor, and Hubert Alexander Skowronek, the children of Wieslaw Skowronek, for the death of Wieslaw Skowronek as a result of the negligence of the City of Clearwater; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 26** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

**SB 30**—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Hilda De Paz; authorizing and directing Miami-Dade County to compensate Hilda De Paz for personal injuries she suffered due to the negligence of county employees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 30** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson—

**CS for SB 32**—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Jose Pena, as Personal Representative of the Estate of Carmen Pena, deceased, and individually, as surviving father of Katherine Pena and Richard Pena, deceased minor children of Carmen Pena and Jose Pena; providing for the relief of Johannes Pena, surviving son of Carmen Pena; providing for an appropriation to compensate them for the death of Carmen Pena, Katherine Pena, and Richard Pena as a result of the negligence of the City of Hialeah; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 32** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

**CS for SB 36**—A bill to be entitled An act relating to Palm Beach County; providing for the relief of injuries of Kharmilia Ferguson, Angela Jones, and Raymond Ferguson; providing for an appropriation to compensate the estate of Kharmilia Ferguson, Angela Jones, and Raymond Ferguson for injuries and damages sustained; specifying use of funds; providing for reimbursement of Medicaid expenditures; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 36** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

**SB 38**—A bill to be entitled An act relating to the City of West Palm Beach; providing for the relief of Rosemary Falkenburg; authorizing and directing the City of West Palm Beach to compensate Ms. Falkenburg for personal injuries she suffered due to the negligence of a city employee; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 38** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

**SB 44**—A bill to be entitled An act relating to the Palm Beach County Health Care District; providing for the relief of James Torrence; authorizing and directing the Palm Beach County Health Care District to

compensate him for personal injuries resulting from surgery negligently performed by a health care district employee; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 44** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

**CS for SB 46**—A bill to be entitled An act relating to Indian River County; providing for the relief of Sharon Dixon and Victor Dixon, Sr.; authorizing and directing the School Board of Indian River County to compensate them for the wrongful death of their minor child, Victor Dixon, Jr., due to the negligence of an employee of the school board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 46** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**SB 50**—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Lawrence Douglas Bigney; authorizing and directing the Sheriff's Office of Palm Beach County to compensate him for personal injuries suffered due to the unlawful acts of an employee of the sheriff's office; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 50** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

**CS for SB 52**—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jessica Ann Calderon, personal representative of the Estate of Roberto Luis Calderon, Sean Ryan Calderon, minor child of Roberto Luis Calderon and Jessica Ann Calderon, and Lily Ann Calderon, minor child of Roberto Luis Calderon and Jessica Ann Calderon; providing for an appropriation to compensate them for the wrongful death of Roberto Luis Calderon as a result of the negligence of a Miami-Dade County employee; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 52** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

**CS for SB 56**—A bill to be entitled An act relating to the City of Vero Beach; providing for the relief of Joseph Arvay; directing the City of Vero Beach to compensate Mr. Arvay for injuries caused by the negligence of a city police officer; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 56** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

**CS for SB 60**—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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 60** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Meek—

**SB 62**—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Millie Jackson for injuries and damages sustained by her as a result of negligent acts by an employee of the county; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 62** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Klein—

**CS for SB 66**—A bill to be entitled An act relating to the School Board of Palm Beach County; providing for the relief of Mary Nell Dent Harley, as legal guardian of Ariel Alexis Dent, for injuries sustained by Ariel Alexis Dent as the result of negligence on the part of an employee of the board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 66** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Diaz de la Portilla—

**SB 72**—A bill to be entitled An act relating to Lee County; providing for the relief of Jacob P. Darna, a minor, for injuries sustained as a result of the negligence of the Lee County School Board; providing an effective date.

—was read the second time by title.

Senator Diaz de la Portilla moved the following amendment which was adopted:

**Amendment 1 (273290)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The Lee County School Board is authorized and directed to appropriate from funds not otherwise appropriated, and to draw a warrant in the amount of \$75,000, which amount includes statutory attorney's fees and costs, payable to Michelle Darna and Jacob Darna, legal guardians of Jacob P. Darna, to be placed in the guardianship account of Jacob P. Darna to compensate him for injuries and damages sustained as a result of the negligence of the Lee County School Board. Upon the death of Jacob P. Darna, any balance of the \$75,000 remaining in the guardianship account shall revert to the Lee County School Board. It is the intent of the Legislature that no funds exceeding \$75,000 appropriated by this act be subsequently spent, or any obligation thereof be subsequently incurred by the guardian, without prior order of the circuit court.*

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 Lee County; providing for the relief of Jacob P. Darna, a minor, for injuries sustained as a result of the negligence of the Lee County School Board; providing an effective date.

WHEREAS, on May 23, 1995, Jacob P. Darna was a 10-year-old fifth-grade student who accompanied his elementary school class on an orientation trip to Trafalgar Middle School in Cape Coral, Lee County, Florida, and

WHEREAS, Jacob's elementary school had no bleachers and he had little experience in walking on bleachers, and

WHEREAS, the bleachers at the Trafalgar Middle School gymnasium have lines on them indicating that the occupancy level should be 1 person per set of lines; however, the teachers did not sit the students according to the occupancy levels, and, in some instances, the teachers admitted that they "packed the kids in there," and

WHEREAS, the bleachers were "pullout" bleachers and had no aisles to walk down, although there were metal railings at each end to ensure that the children would not fall off the sides, and

WHEREAS, upon completion of the program, the children did not receive specific instruction from the teachers to walk to the end of the rows before descending so they proceeded down the seats en masse in an unstructured and unsupervised manner, and

WHEREAS, Jacob P. Darna, upon reaching the row of seats closest to the gymnasium floor, felt a push from the crowd behind him and fell to the ground, landing on his knee and hip, and

WHEREAS, Jacob was transported from the accident scene by emergency medical services personnel and was taken to Cape Coral Hospital, and subsequently transferred to Lee Memorial Hospital, and

WHEREAS, it was determined that Jacob P. Darna suffered a Grade III slipped capital femoral epiphysis of his left hip, and

WHEREAS, surgery was immediately performed on Jacob Darna and pins and screws were placed in his hip, and

WHEREAS, following the surgery, Jacob was left with a significant limp and will continue to suffer with a limp the rest of his life and has been advised by his doctors that he will need a full-hip replacement in the future, and

WHEREAS, as a result of his injury and resulting surgeries, Jacob P. Darna had to undergo further surgery to his non-injured leg to shorten it in an effort to compensate for the difference in the length of his two legs, and

WHEREAS, Jacob P. Darna's medical bills totaled \$32,100.91, and the Lee County School Board was given the opportunity to settle this matter for \$20,000, based upon an offer of judgment, but the highest offer the board made was \$5,000, and

WHEREAS, the matter went to a jury trial and Jacob P. Darna was awarded \$268,750, and, as of June 13, 2001, the school board had not appealed the judgment, but verbally indicated that it will pay the amount it owes under section 768.28, Florida Statutes, and

WHEREAS, the claimant and the Lee County School Board have agreed to a settlement of the claim in the amount of \$75,000, and

WHEREAS, after payment of the amount paid under section 768.28, Florida Statutes, the remaining excess-judgment amount will be \$75,000, NOW, THEREFORE,

Pursuant to Rule 4.19, **SB 72** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Campbell—

**SB 74**—A bill to be entitled An act relating to Halifax Hospital Medical Center, a special taxing district in Volusia County d/b/a Halifax Medical Center; providing for the relief of Steven Mitchell; authorizing and directing Halifax Hospital Medical Center to compensate Mr. Mitchell for personal injuries that he suffered while at Halifax Medical Center; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 74** was placed on the calendar of Bills on Third Reading.

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Wise, by two-thirds vote **SB 500** and **SB 1894** were withdrawn from the committees of reference and further consideration.

On motion by Senator Posey, by two-thirds vote **SB 2190** was withdrawn from further consideration.

On motion by Senator Crist, by two-thirds vote **SB 70**, **SB 1022** and **SB 1398** were withdrawn from the committees of reference and further consideration.

On motion by Senator Villalobos, by two-thirds vote **SB 1086** was withdrawn from the committees of reference and further consideration.

On motion by Senator Sanderson, by two-thirds vote **SB 964** was withdrawn from the committees of reference and further consideration.

On motion by Senator Carlton, by two-thirds vote **CS for SB 598** and **CS for CS for SB 632** were withdrawn from the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **CS for SB 1268** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 726**, **SB 252**, **CS for SB 402** and **SB 604** were withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; and **SB 208** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations.

### MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Committee on Appropriations Subcommittee on Health and Human Services was granted permission to meet February 18 from 11:00 a.m. until 1:00 p.m.

### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, February 14, 2002: **SB 196**, **CS for SB 188**, **CS for SB 520**, **CS for CS for SB 522**, **CS for SB 560**, **SB 264**, **CS for SB 132**, **SB 292**, **SB 1028**, **CS for SB 256**, **SB 332**, **CS for SB 460**, **CS for SB 330**, **CS for SB 622**, **SB 184**, **SB 350**, **CS for SB 664**, **SB 954**, **SB 1104**, **SB 476**, **CS for SB 508**, **SB 172**, **CS for SB 682**, **SB 414**, **SB 346**, **SB 424**, **SB 528**, **SB 1334**

Respectfully submitted,  
*Tom Lee, Chairman*

The Committee on Rules and Calendar submits the following bills to be placed on the Claims Calendar for Thursday, February 14, 2002: **SB 8**, **CS for SB 10**, **CS for SB 24**, **SB 26**, **SB 30**, **CS for SB 32**, **CS for SB 36**, **SB 38**, **SB 44**, **CS for SB 46**, **SB 50**, **CS for SB 52**, **CS for SB 56**, **CS for SB 60**, **SB 62**, **CS for SB 66**, **SB 72**, **SB 74**

Respectfully submitted,  
*Tom Lee, Chairman*

The Committee on Finance and Taxation recommends the following pass: **SB 722**

**The bill was referred to the Appropriations Subcommittee on General Government under the original reference.**

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: **SB 1954** with 1 amendment

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

The Committee on Children and Families recommends the following pass: **SB 1544** with 1 amendment

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

The Committee on Finance and Taxation recommends the following pass: **SB 1308**, **SB 2028**

**The bills were placed on the calendar.**

The Committee on Education recommends a committee substitute for the following: **SB 1388**

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

The Committee on Finance and Taxation recommends a committee substitute for the following: **SB 462**

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: **CS for SB's 662** and **232**

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: **CS for SB 362**

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

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: **SB 1806**, **SB 2048**

**The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.**

The Committee on Children and Families recommends a committee substitute for the following: **CS for SB 686**

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

The Committee on Judiciary recommends a committee substitute for the following: **SB 1066**

**The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.**

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: **SB 1838**

The Committee on Judiciary recommends committee substitutes for the following: **SB 1226** and **CS for SB 734**, **SB 1656**

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

The Committee on Judiciary recommends committee substitutes for the following: **CS for SB 640**, **SB 1316**

**The bills with committee substitutes attached were referred to the Committee on Criminal Justice under the original reference.**

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 1360

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1808

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

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The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 2036

The Committee on Children and Families recommends a committee substitute for the following: SB 1500

The Committee on Education recommends a committee substitute for the following: SB 1586

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1216

The Committee on Judiciary recommends committee substitutes for the following: SB 668, SB 1648

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

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The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 2072

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

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The Committee on Agriculture and Consumer Services recommends a committee substitute for the following: SB 1772

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1494

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

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The Committee on Finance and Taxation recommends committee substitutes for the following: SB 180, SB 1120

**The bills with committee substitutes attached were placed on the calendar.**

## REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Health and Human Services recommends the following pass: SB 146, SB 592, CS for SB 598

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

The Appropriations Subcommittee on Health and Human Services recommends a committee substitute for the following: CS for SB 632

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

## REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Education recommends that the Senate confirm the following appointments made by the Governor: Charles P. Garcia and Carolyn King Roberts, for terms ending June 30, 2003; and Linda

J. Eads and William L. Proctor, for terms ending June 30, 2004 as members of the **Florida Board of Education**.

The Committee on Natural Resources was referred the following executive appointment subject to confirmation by the Senate: Anthony J. Clemente, for a term ending July 1, 2005, as a member of the **Environmental Regulation Commission**.

This appointee has agreed to seek an advisory opinion from the Florida Commission on Ethics to ensure no conflict of interest exists. The Committee agreed to forward the favorable recommendation to the next committee pending receipt of additional information from the requested advisory opinion.

The Committee on Natural Resources was referred the following executive appointment subject to confirmation by the Senate: Victoria J. Tschinkel, for a term ending July 1, 2003, as a member of the **Environmental Regulation Commission**.

This appointee has agreed to seek an advisory opinion from the Florida Commission on Ethics to ensure no conflict of interest exists. Also, it was indicated that the law firm where she is a consultant will seek an opinion from the Florida Bar regarding the potential for conflicts for the firm. The Committee agreed to forward the favorable recommendation to the next committee pending receipt of additional information from the requested advisory opinions.

The Committee on Regulated Industries recommends that the Senate confirm the following appointments made by the Governor: Rudolph "Rudy" Bradley and Braulio L. Baez, for terms ending January 1, 2006, as members of the **Florida Public Service Commission**.

**[The appointments contained in the foregoing reports were referred to the Committee on Ethics and Elections under the original reference.]**

## COMMITTEE SUBSTITUTES

### FIRST READING

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

**CS for SB 180**—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; providing that the tax imposed under this section applies to certificates of title issued in a judicial sale of real property pursuant to a court order or final judgment issued in a foreclosure proceeding; providing the method for computing the tax; providing that this act is to clarify, not change, the law; providing for retroactive applicability; amending s. 201.132, F.S.; revising a verification requirement for a notation on certain recorded documents; providing an effective date.

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By the Committees on Health, Aging and Long-Term Care; Banking and Insurance; and Senators Saunders, Campbell, Peaden and Cowin—

**CS for CS for SB 362**—A bill to be entitled An act relating to health insurance; amending s. 408.7057, F.S.; redefining "managed care organization"; including preferred provider organization and health insurers in the claim dispute resolution program; specifying timeframes for submission of supporting documentation necessary for dispute resolution; providing consequences for failure to comply; authorizing the agency to impose fines and sanctions as part of final orders; amending s. 627.613, F.S.; revising time of payment of claims provisions; providing requirements and procedures for payment or denial of claims; providing criteria and limitations; revising rate of interest charged on overdue payments; providing for electronic transmission of claims; providing a penalty; providing for attorney's fees and costs; prohibiting contractual modification of provisions of law; creating s. 627.6142, F.S.; defining the term "authorization"; requiring health insurers to provide lists of medical care and health care services that require authorization; prohibiting denial of certain claims; providing procedural requirements for determination and issuance of authorizations of services; amending s. 627.638, F.S.; providing for direct payment for services in treatment of a psychological disorder or substance abuse; amending s. 627.651, F.S.; conforming a cross-reference; amending s. 627.662, F.S.; specifying application of certain additional provisions to group, blanket, and franchise health insurance; amending s. 641.185, F.S.; entitling health maintenance organiza-

tion subscribers to prompt payment when appropriate; amending s. 641.30, F.S.; conforming a cross-reference; amending s. 641.3155, F.S.; revising definitions; eliminating provisions that require the Department of Insurance to adopt rules consistent with federal claim-filing standards; providing requirements and procedures for payment of claims; requiring payment within specified periods; revising rate of interest charged on overdue payments; requiring employers to provide notice of changes in eligibility status within a specified time period; providing a penalty; entitling health maintenance organization subscribers to prompt payment by the organization for covered services by an out-of-network provider; requiring payment within specified periods; providing payment procedures; providing penalties; amending s. 641.3156, F.S.; defining the term "authorization"; requiring health maintenance organizations to provide lists of medical care and health care services that require authorization; prohibiting denial of certain claims; providing procedural requirements for determination and issuance of authorizations of services; amending ss. 626.9541, 641.3903, F.S.; providing that untruthfully notifying a provider that a filed claim has not been received constitutes an unfair claim-settlement practice by insurers and health maintenance organizations; providing penalties; providing an effective date.

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

**CS for SB 462**—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.08, F.S.; providing for the maximum tax that must be paid on unsecured obligations; conforming cross-references; providing an effective date.

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

**CS for CS for SB 632**—A bill to be entitled An act relating to out-of-home care; repealing s. 39.521(5), F.S., relating to the mandatory assessment of specified children for placement in licensed residential group care; creating s. 39.523, F.S.; prescribing procedures for the mandatory assessment of certain children for placement in licensed residential group care; providing for reports; providing for a residential group care appropriations category in the General Appropriations Act; providing for funding increases to be appropriated in a lump-sum category; specifying that the release of certain funds is contingent on the approval of a spending plan; prescribing elements of the plan; authorizing one-time startup funding; amending s. 39.407, F.S.; clarifying that the Department of Children and Family Services may place a child who is in its custody in a residential treatment center without prior approval of the court; amending s. 409.1671, F.S.; providing intent that the Department of Children and Family Services and the Department of Juvenile Justice establish an interagency agreement regarding referral to residential group care facilities; specifying that a residential group care facility must be licensed as a child-caring agency; requiring such facilities serving certain children to meet specified staff qualifications and Medicaid-provider criteria; redefining the term "serious behavioral problems"; authorizing the department to adopt rules; specifying timeframes for initiating and for completing privatization of foster care and related services; providing for the establishment of a model comprehensive residential services program in specified counties; providing that community-based providers and subcontractors require employees to obtain bodily injury liability insurance on personal automobiles; providing certain immunity from liability when transporting clients in privately owned automobiles; directing the Department of Children and Family Services to adopt written policies and procedures for contract monitoring of community-based providers; modifying the requirement for community-based providers to furnish information to the department; modifying the conditions under which a provider may close a case; modifying the requirements concerning dual licensure of foster homes; eliminating the authority for a risk pool; requiring the development of a proposal for a shared-earnings program; providing direction for the development of the proposal; providing for submission of the proposal to the Legislative Budget Commission and for submission to the Legislature under certain conditions; expanding the program relating to excess federal earnings and certain additional state funds to additional entities; eliminating a specified expiration for this program; requiring that the Legislature appropriate a lump sum in the Administered Funds Program each year for a specified purpose; specifying the type of bond that may be required;

eliminating an obsolete review requirement; amending s. 409.1676, F.S.; removing a reference to specific districts and regions of the department; amending s. 409.175, F.S.; defining the term "family foster group home"; amending s. 409.906, F.S.; expanding the authority for the establishment of child welfare targeted case management projects; eliminating reference to a pilot project; eliminating the requirement to report to the Child Welfare Estimating Conference regarding targeted case management; directing the Office of Program Policy Analysis and Government Accountability, in consultation with the Agency for Health Care Administration, to conduct a review of the process for placing children for residential mental health treatment; providing for a report to the Governor and Legislature; providing an effective date.

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

**CS for CS for SB 640**—A bill to be entitled An act relating to criminal offenses involving health care practitioners; creating s. 456.075, F.S.; authorizing a representative of the Department of Health to appear in a criminal proceeding against a health care professional to furnish information, make recommendations, or provide other assistance; providing that the court may order the representative to appear in a criminal proceeding that relates to the qualifications, functions, or duties of a health care professional; amending s. 893.13, F.S.; increasing the penalty imposed for withholding information from a practitioner concerning a controlled substance; prohibiting a practitioner from knowingly assisting a person in obtaining a controlled substance through fraud or scheme, knowingly prescribing a controlled substance for a fictitious person, or prescribing a controlled substance for purposes of monetary benefit; providing for a permissive inference that a prescribing practitioner knowingly assisted a person to obtain a controlled substance through fraud; providing penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; amending s. 921.187, F.S.; conforming cross-references; providing an effective date.

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By the Committees on Governmental Oversight and Productivity; Banking and Insurance; and Senators Latvala and Geller—

**CS for CS for SB's 662 and 232**—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the divisions of the department; specifying division directors who shall act as agency head for purposes of ch. 120, F.S.; establishing the manner of their appointment and confirmation; transferring the Deferred Compensation Program from the Department of Insurance to the Department of Management Services; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Financial Services; providing that this act shall not affect the validity of certain judicial and administrative actions; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; providing that existing agency contracts continue to be binding with the successor department or agency; repealing s. 20.13, F.S.; abolishing the Department of Insurance; redesignating the Insurance Commissioner's Regulatory Trust Fund the Insurance Regulatory Trust Fund; redesignating the Department of Banking and Finance Regulatory Trust Fund the Banking and Finance Regulatory Trust Fund; repealing s. 20.171(5)(b), F.S., relating to the Division of Workers' Compensation in the Department of Labor and Employment Security; amending and transferring ss. 18.01, 18.02, 18.021, 18.05, 18.06, 18.08, 18.10, 18.101, 18.103, 18.104, 18.125, 18.15, 18.17, 18.20, 18.23, 18.24, F.S., and amending ss. 11.12, 11.13, 11.147, 11.151, 11.40, 11.42, 13.05, 14.055, 14.057, 14.058, 14.202, 14.203, 14.24, 15.09, 16.10, 17.011, 17.02, 17.03, 17.031, 17.04, 17.0401, 17.041, 17.0415, 17.05, 17.06, 17.075, 17.076, 17.08, 17.09, 17.10, 17.11, 17.12, 17.13, 17.14, 17.16, 17.17, 17.20, 17.21, 17.22, 17.25, 17.26, 17.27, 17.28, 17.29, 17.30, 17.32, 17.325, 17.41, 17.43, 20.04, 20.055, 20.195, 20.425, 20.435, 24.105, 24.111, 24.112, 24.120, 25.241, 26.39, 27.08, 27.10, 27.11, 27.12, 27.13, 27.34, 27.3455, 27.703, 27.710, 27.711, 28.235, 28.24, 30.52, 40.30, 40.31, 40.33, 40.34, 40.35, 43.16, 43.19, 48.151, 55.03, 57.091, 68.083, 68.084, 68.087, 68.092, 77.0305, 92.39, 99.097, 101.151, 103.091, 107.11, 110.1127, 110.113, 110.114, 110.116, 110.1227, 110.1228,

110.123, 110.125, 110.181, 110.2037, 110.205, 112.061, 112.08, 112.191, 112.215, 112.3144, 112.3145, 112.3189, 112.31895, 112.3215, 112.63, 114.03, 116.03, 116.04, 116.05, 116.06, 116.14, 120.52, 120.80, 121.0312, 121.055, 121.061, 121.133, 121.4501, 125.0104, 129.201, 131.05, 137.09, 145.141, 154.02, 154.03, 154.05, 154.06, 154.209, 154.314, 163.01, 163.05, 163.055, 163.3167, 175.101, 175.121, 175.151, 185.08, 185.10, 185.13, 189.4035, 189.412, 189.427, 190.007, 191.006, 192.091, 192.102, 193.092, 195.101, 198.29, 199.232, 203.01, 206.46, 210.16, 210.20, 210.50, 211.06, 211.32, 212.08, 212.12, 212.20, 213.053, 213.054, 213.255, 213.67, 213.75, 215.02, 215.03, 215.04, 215.05, 215.11, 215.20, 215.22, 215.23, 215.24, 215.25, 215.26, 215.29, 215.31, 215.32, 215.3206, 215.3208, 215.321, 215.322, 215.34, 215.35, 215.405, 215.42, 215.422, 215.44, 215.50, 215.551, 215.552, 215.555, 215.559, 215.56005, 215.5601, 215.58, 215.62, 215.684, 215.70, 215.91, 215.92, 215.93, 215.94, 215.95, 215.96, 215.965, 215.97, 216.0442, 216.102, 216.141, 216.177, 216.181, 216.183, 216.192, 216.212, 216.221, 216.235, 216.237, 216.251, 216.271, 216.275, 216.292, 216.301, 217.07, 218.06, 218.23, 218.31, 218.321, 218.325, 220.62, 220.723, 228.2001, 229.0535, 229.0537, 229.05371, 229.111, 229.781, 231.261, 231.30, 231.545, 233.063, 233.07, 233.15, 233.16, 233.255, 236.43, 236.601, 237.121, 237.181, 237.211, 238.11, 238.15, 238.172, 238.173, 240.551, 242.331, 242.341, 245.13, 250.22, 250.24, 250.25, 250.26, 250.34, 252.62, 252.87, 253.02, 253.025, 255.03, 255.052, 255.258, 255.503, 255.521, 257.22, 258.014, 259.032, 259.041, 265.53, 265.55, 267.075, 272.18, 280.02, 280.04, 280.041, 280.05, 280.051, 280.052, 280.053, 280.054, 280.055, 280.06, 280.07, 280.071, 280.08, 280.085, 280.09, 280.10, 280.11, 280.13, 280.16, 280.17, 280.18, 280.19, 282.1095, 284.02, 284.04, 284.05, 284.06, 284.08, 284.14, 284.17, 284.30, 284.31, 284.32, 284.33, 284.34, 284.35, 284.37, 284.385, 284.39, 284.40, 284.41, 284.42, 284.44, 284.50, 287.042, 287.057, 287.058, 287.063, 287.064, 287.09451, 287.115, 287.131, 287.175, 288.1045, 288.106, 288.109, 288.1253, 288.709, 288.712, 288.776, 288.778, 288.99, 289.051, 289.081, 289.121, 292.085, 313.02, 314.02, 316.3025, 316.545, 320.02, 320.081, 320.20, 320.71, 320.781, 322.21, 324.032, 324.171, 326.006, 331.303, 331.309, 331.3101, 331.348, 331.419, 336.022, 337.25, 339.035, 339.081, 344.17, 350.06, 354.03, 365.173, 370.06, 370.16, 370.19, 370.20, 373.503, 373.59, 373.6065, 374.983, 374.986, 376.11, 376.123, 376.307, 376.3071, 376.3072, 376.3075, 376.3078, 376.3079, 376.40, 377.23, 377.2425, 377.705, 378.035, 378.037, 378.208, 381.765, 381.90, 388.201, 388.301, 391.025, 391.221, 392.69, 393.002, 393.075, 394.482, 400.0238, 400.063, 400.071, 400.4174, 400.4298, 400.471, 400.962, 401.245, 401.25, 402.04, 402.17, 402.33, 403.1835, 403.1837, 403.706, 403.724, 403.8532, 404.111, 408.040, 408.05, 408.08, 408.18, 408.50, 408.7056, 408.902, 409.175, 409.25656, 409.25658, 409.2673, 409.8132, 409.817, 409.818, 409.910, 409.912, 409.9124, 409.915, 411.01, 413.32, 414.27, 414.28, 420.0005, 420.0006, 420.101, 420.123, 420.131, 420.141, 420.5092, 430.42, 430.703, 440.103, 440.105, 440.1051, 440.106, 440.13, 440.134, 440.135, 440.20, 440.24, 440.38, 440.381, 440.385, 440.44, 440.4416, 440.49, 440.50, 440.51, 440.515, 440.52, 443.131, 443.191, 443.211, 447.12, 450.155, 456.047, 468.392, 473.3065, 475.045, 475.484, 475.485, 489.144, 489.145, 489.533, 494.001, 494.0011, 494.0017, 494.00421, 497.005, 497.101, 497.105, 497.107, 497.109, 497.115, 497.117, 497.131, 497.201, 497.253, 497.313, 497.403, 497.407, 497.435, 497.525, 498.025, 498.049, 499.057, 501.212, 509.215, 513.055, 516.01, 516.03, 516.35, 517.021, 517.03, 517.061, 517.075, 517.1204, 517.1205, 517.131, 517.141, 517.151, 518.115, 518.116, 519.101, 520.02, 520.07, 520.31, 520.34, 520.61, 520.76, 520.998, 526.141, 537.003, 537.004, 537.011, 548.066, 548.077, 550.0251, 550.054, 550.0951, 550.125, 550.135, 550.1645, 552.081, 552.161, 552.21, 552.26, 553.72, 553.73, 553.74, 553.79, 554.1021, 554.105, 554.111, 559.10, 559.543, 559.545, 559.55, 559.555, 559.725, 559.730, 559.928, 560.102, 560.103, 560.119, 560.4041, 560.408, 561.051, 562.44, 567.08, 569.205, 570.13, 570.195, 570.20, 574.03, 589.06, 597.010, 601.10, 601.15, 601.28, 607.0501, 607.14401, 609.05, 617.0501, 617.1440, 624.05, 624.155, 624.305, 624.307, 624.310, 624.314, 624.319, 624.320, 624.321, 624.322, 624.33, 624.404, 624.4071, 624.4085, 624.40851, 624.422, 624.423, 624.442, 624.4435, 624.484, 624.5015, 624.502, 624.506, 624.5091, 624.5092, 624.516, 624.517, 624.519, 624.521, 624.523, 624.610, 624.87, 624.91, 625.161, 625.317, 625.52, 625.53, 625.83, 626.266, 626.2815, 626.322, 626.592, 626.742, 626.7492, 626.8427, 626.8463, 626.8467, 626.847, 626.8736, 626.906, 626.907, 626.912, 626.918, 626.931, 626.932, 626.936, 626.9361, 626.937, 626.938, 626.9511, 626.9541, 626.9543, 626.989, 626.9892, 626.9911, 626.9912, 626.9916, 627.0613, 627.0628, 627.0651, 627.06535, 627.0915, 627.0916, 627.092, 627.096, 627.221, 627.311, 627.351, 627.413, 627.4236, 627.6472, 627.6482, 627.6488, 627.6675, 627.7012, 627.7015, 627.727, 627.728, 627.736, 627.849, 627.912, 627.9122, 627.919, 627.94074, 627.944, 627.948, 628.461, 628.4615, 629.401, 631.001, 631.221, 631.392, 631.54, 631.57, 631.59,

631.714, 631.72, 631.723, 631.813, 631.814, 631.904, 631.911, 631.912, 631.917, 631.931, 632.628, 633.01, 633.022, 633.025, 633.052, 633.061, 633.081, 633.111, 633.161, 633.162, 633.30, 633.31, 633.353, 633.382, 633.43, 633.445, 633.45, 633.46, 633.461, 633.47, 633.50, 633.524, 634.011, 634.137, 634.151, 634.161, 634.221, 634.301, 634.313, 634.324, 634.327, 634.3284, 634.401, 634.415, 634.416, 634.427, 634.433, 635.011, 635.041, 636.003, 636.043, 636.047, 636.052, 641.185, 641.19, 641.23, 641.26, 641.28, 641.39001, 641.402, 641.403, 641.412, 641.454, 641.455, 641.48, 641.49, 641.511, 641.52, 641.55, 641.58, 642.015, 642.0475, 648.25, 648.26, 648.34, 648.355, 648.37, 648.386, 648.442, 650.06, 651.011, 651.015, 651.0235, 651.035, 651.121, 651.125, 655.001, 655.005, 655.057, 655.90, 657.002, 657.253, 658.23, 658.295, 658.2953, 658.83, 660.27, 660.28, 687.13, 687.14, 697.202, 697.205, 697.206, 713.596, 716.02, 716.03, 716.04, 716.05, 716.06, 716.07, 717.101, 717.135, 717.138, 718.501, 719.501, 721.24, 721.26, 723.006, 732.107, 733.816, 744.534, 766.105, 766.115, 766.314, 766.315, 768.28, 790.001, 790.1612, 791.01, 791.015, 817.16, 817.234, 839.06, 849.086, 849.33, 860.154, 860.157, 896.102, 903.101, 903.27, 925.037, 932.7055, 932.707, 938.27, 939.13, 943.031, 943.032, 944.516, 946.33, 946.509, 946.510, 946.517, 946.522, 946.525, 947.12, 950.002, 957.04, 985.406, 985.409, F.S., to conform; increasing membership on the board of directors of the Florida Healthy Kids Corporation; repealing s. 18.03, F.S., relating to the residence and office of the Treasurer, s. 18.07, F.S., relating to records of warrants and state funds and securities, s. 18.09, F.S., relating to a report to the Legislature, s. 18.091, F.S., relating to employees for legislative sessions; s. 18.22, F.S., relating to rules, s. 657.067, F.S., relating to conversion of credit unions from federal to state charter; amending s. 627.0623, F.S.; limiting campaign contributions from certain persons to or on behalf of the Treasurer or Chief Financial Officer; providing a criminal penalty for a violation; amending s. 655.019, F.S.; limiting campaign contributions from certain persons to or on behalf of the Comptroller or Chief Financial Officer; providing a criminal penalty for a violation; providing effective dates.

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By the Committee on Judiciary; and Senator Burt—

**CS for SB 668**—A bill to be entitled An act relating to public records; creating the Study Commission on Public Records to examine existing policies, practices, and laws relating to public records in light of technological advances and privacy and security concerns relating to personal and sensitive information concerning individuals; amending s. 28.2221, F.S., relating to electronic access to official records, to impose a legislative moratorium on Internet publication and accessibility to public records until the Legislature authorizes public access via the Internet; providing exceptions; providing an effective date.

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By the Committees on Children and Families; Judiciary; and Senator Burt—

**CS for CS for SB 686**—A bill to be entitled An act relating to legal proceedings involving minor children; providing for the transfer of the guardian ad litem program to the Statewide Public Guardianship Office; renaming each guardian ad litem office as a Circuit Office of Children's Representation; providing for a study to determine the organizational placement of the Statewide Public Guardianship Office and Children's Representation offices with recommendations to the Legislature by February 1, 2003; amending s. 25.388, F.S.; including the Statewide Public Guardianship Office representation of children as recipients of moneys from the Family Courts Trust Funds; amending s. 744.7021, F.S.; requiring the Statewide Public Guardianship Office to establish standards for the representation of children; requiring an annual report to the Legislature; requiring the office to establish a Circuit Office of Children's Representation in each judicial circuit; authorizing the circuit offices to provide and coordinate the provision of legal services for children when private representation is unavailable; requiring the circuit offices to provide representation for children in dependency proceedings; providing for appointing a lay representative and an attorney to represent the best interest of the child; authorizing the Statewide Public Guardianship Office or the Circuit Offices of Children's Representation to establish a nonprofit organization to assist in funding the services provided to children; amending s. 27.51, F.S.; authorizing a public defender to enter into an agreement for representation of a child in a dependency proceeding; amending s. 39.001, F.S.; requiring the Statewide Public Guardianship Office to participate in revising the statewide plan to

prevent abuse, abandonment, and neglect of children; requiring that the Circuit Offices of Children's Representation participate in revising local plans; amending s. 39.01, F.S.; redefining the term "party" to include, under certain circumstances, a guardian ad litem; limiting a child's right to file documents; providing for notice to a party; providing for excusing a child from appearing in court; amending s. 39.013, F.S.; providing for representation of children in proceedings under ch. 39, F.S.; amending s. 39.202, F.S.; authorizing access to records by the guardian ad litem and the child; amending s. 39.302, F.S.; requiring notification of the guardian ad litem or legal counsel of reports of institutional child abuse, neglect, or abandonment; amending s. 39.305, F.S.; providing for the Statewide Public Guardianship Office to participate in developing the model plan for intervention and treatment in certain sexual-abuse cases; amending s. 39.402, F.S.; providing for notice of and representation for a child at a shelter hearing; providing for continuance of the hearing in order for the child to obtain representation; amending s. 39.407, F.S.; authorizing legal counsel to represent a child placed in residential treatment; requiring that notice and information regarding the child's treatment be provided to the child's guardian ad litem and legal counsel; amending s. 39.4085, F.S.; requiring that the child, the guardian ad litem, or legal counsel participate in developing a case plan; providing for the right of a child to be heard at all review hearings; providing for appointment of a guardian ad litem or legal counsel; repealing s. 39.4086, F.S., relating to a pilot program for appointing attorneys ad litem for dependent children; amending s. 39.502, F.S.; providing for notice and service of process on legal counsel or guardian ad litem; amending s. 39.504, F.S.; authorizing the child's guardian ad litem or attorney to file for an injunction to prevent child abuse or an unlawful sexual offense; amending s. 39.505, F.S.; specifying that the guardian ad litem need not file an answer to a petition or pleading; amending s. 39.510, F.S.; authorizing the representative of a party to appeal a court order; amending s. 39.521, F.S.; requiring that a case plan and certain reports be provided to specified parties; limiting discharge of a guardian ad litem or legal counsel unless other representation is provided to a child; amending s. 39.701, F.S.; authorizing the court to dismiss a child from a judicial review hearing; requiring that notice be provided to the child and legal counsel; requiring service of reports on specified parties; requiring the court to determine whether a child needs a guardian ad litem or attorney; authorizing the court to determine whether a child's placement is appropriate; amending s. 39.801, F.S.; requiring that notice of a petition be served on a child; exempting a child's legal counsel from payment of fees for service of process or other papers; amending s. 39.802, F.S.; providing for a child through legal counsel to file a petition for termination of parental rights; amending s. 39.805, F.S.; providing that a guardian ad litem need not file an answer; amending s. 39.806, F.S.; providing requirements for a child in filing a petition for termination of parental rights; amending s. 39.807, F.S.; providing requirements for the representation provided to a child by the guardian ad litem or legal counsel; eliminating provisions related to posting of a bond and service on a guardian ad litem; amending s. 39.808, F.S.; providing for appointment of legal counsel following a petition to terminate parental rights; amending s. 39.810, F.S.; providing for the court to consider the expressed interest of the child in a hearing on a petition to terminate parental rights; providing that the court must consider information related to best-interest requirements provided by a guardian ad litem; amending s. 39.811, F.S.; requiring that the court consider information provided by the child or the guardian ad litem in determining whether to retain jurisdiction over a dependent child; amending s. 39.820, F.S.; amending the definition of the term "guardian ad litem" to eliminate references to the guardian ad litem program; amending s. 39.821, F.S.; providing qualifications for guardians ad litem and staff members of the Circuit Office of Children's Representation providing representation to children; amending s. 39.822, F.S.; designating who may be a guardian ad litem; providing for appointment of the Circuit Office of Children's Representation when the child and parents are indigent; requiring background checks of specified guardians ad litem; creating s. 39.8225, F.S.; providing powers and duties of a guardian ad litem; requiring that a guardian ad litem represent the child's best interest; requiring that a guardian ad litem investigate allegations in a pleading filed; providing requirements for conducting an investigation; requiring that the guardian ad litem and attorney consult with the child; requiring a report; providing for attorney review of the report and presentation to the court; requiring that the court be informed of the expressed interest of the child; authorizing the court to issue a blanket order for the guardian ad litem to obtain information; authorizing the guardian ad litem to petition the court to issue orders; providing for notice of written reports to all parties; requiring that the guardian ad litem file certain pleadings through counsel; creating s. 39.84, F.S.; providing for confidentiality;

creating s. 39.86, F.S.; providing immunity for a guardian ad litem, staff or volunteer in a Circuit Office of Children's Representation, and a court-appointed psychologist; creating s. 39.8226, F.S.; providing for appointment of legal counsel for a child; requiring that the court determine capacity of a child before appointing legal counsel; providing for appointment of legal counsel when the Circuit Office of Children's Representation is providing representation; authorizing the Circuit Office of Children's Representation to petition for appointment of counsel; amending s. 40.24, F.S.; providing for payment for jurors to be used to fund the representation of children in a proceeding under ch. 39, F.S., and related proceedings; amending s. 215.5601, F.S.; providing for the Director of the Statewide Public Guardianship Office rather than the director of the guardian ad litem program to be a member of the Lawton Chiles Endowment Fund Advisory Council; amending s. 985.308, F.S.; substituting the Statewide Public Guardianship Office for the guardian ad litem program on the membership of a sexual abuse intervention network; providing an effective date.

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By the Committee on Judiciary; and Senator Campbell—

**CS for SB 1066**—A bill to be entitled An act relating to the Uniform Commercial Code; amending ss. 679.1021, 679.1081, 679.2031, 679.210, 679.510, 679.513, 679.516, 676.519, 679.527, and 679.625, F.S.; revising provisions of the Uniform Commercial Code as amended to clarify and conform; amending ss. 679.3011, 679.3171, 679.334, and 679.5011, F.S.; clarifying the application of laws of this state to security interests in goods as fixtures; revising operation of provisions specifying priority of such security interests; providing an effective date.

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

**CS for SB 1120**—A bill to be entitled An act relating to non-ad valorem assessments; amending s. 197.3632, F.S., relating to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments; defining the term "levied for the first time"; specifying the circumstances in which a local government must adopt a non-ad valorem assessment roll at a public hearing; prescribing requirements relating to the notice that must be given before such a hearing is held; amending s. 191.011, F.S.; revising the procedure for the adoption of a non-ad valorem assessment roll by an independent special fire control district; amending s. 192.0105, F.S.; revising provisions governing notice of non-ad valorem assessment hearings; providing an effective date.

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

**CS for SB 1216**—A bill to be entitled An act relating to responsiveness to emergencies and disasters; amending s. 381.0034, F.S.; providing a requirement for instruction of certain health care licensees on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as a condition of relicensure; amending s. 381.0035, F.S.; providing a requirement for instruction of employees at certain health care facilities on conditions caused by nuclear, biological, and chemical terrorism, upon initial employment, and, in lieu of the requirement of instruction on HIV and AIDS, as biennial continuing education; amending s. 401.23, F.S.; redefining the terms "advanced life support" and "basic life support"; defining the term "emergency medical conditions"; amending s. 401.27, F.S.; providing that the course on conditions caused by nuclear, biological, and chemical terrorism shall count toward the total required hours for biennial recertification of emergency medical technicians and paramedics; amending s. 456.033, F.S.; providing a requirement for instruction of certain health care practitioners on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as part of biennial relicensure; creating s. 456.0345, F.S.; providing continuing education credits to health care practitioners for certain life support training; amending s. 456.072, F.S.; conforming provisions relating to grounds for disciplinary actions to changes in health care practitioners' course requirements; amending ss. 458.319 and 459.008, F.S.; conforming provisions relating to exceptions to contin-

uing education requirements for physicians and osteopathic physicians; providing an effective date.

By the Committees on Judiciary; Children and Families; and Senator Burt—

**CS for SB 1226 and CS for SB 734**—A bill to be entitled An act relating to family court reform; providing legislative intent with respect to developing a unified family court model to facilitate the comprehensive resolution of the legal and nonlegal needs of children and families; designating various chapters of the Florida Statutes relating to family law to create the Family Code; directing the Division of Statutory Revision to reorganize chapters 61 and 741, F.S., into designated parts; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; amending s. 25.385, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.502, F.S., relating to notice, process, and service; conforming a cross-reference to changes made by the act; amending s. 39.521, F.S.; providing for modifying a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 44.1011, F.S.; redefining the term “family mediation”; providing definitions for voluntary mediation and presuit mediation; amending s. 44.1012, F.S., providing legislative intent regarding continuum of alternatives to litigation; creating s. 44.1025, F.S.; providing for confidentiality concerning certain disclosures in presuit and voluntary mediations; amending s. 44.108, F.S.; increasing the service charge for modification of dissolution-of-marriage petitions to deposit moneys into state mediation and arbitration trust fund; requesting the supreme court to establish a process for filing and court approval of stipulated agreements without court appearances; creating s. 44.202, F.S.; providing for the establishment of presuit-mediation pilot programs and funding; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; eliminating provisions authorizing the court to award grandparents visitation rights; repealing ss. 61.1302, 61.1304, 61.1306, 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132, 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334, 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, 61.1348, F.S., the “Uniform Child Custody Jurisdiction Act”; repealing s. 61.183, F.S., relating to mediation of certain contested issues; transferring and renumbering ss. 61.19, 61.191, F.S., relating to entry of judgment of dissolution of marriage and actions for divorce; amending s. 61.21, F.S.; revising the timeframe for completing a parenting course; creating part IV of ch. 61, F.S., the “Uniform Child Custody Jurisdiction and Enforcement Act”; providing purposes of part IV of ch. 61, F.S.; providing definitions; providing for proceedings governed under other laws; providing for application to Indian tribes; providing for international application; providing for the effect of a determination of child custody; providing for expedited hearings; requiring notice to persons outside the state; providing for limited immunity; providing for communications between courts; authorizing the taking of testimony in another state; requiring preservation of records; providing for initial jurisdiction for determining child custody; providing for exclusive, continuing jurisdiction; providing for jurisdiction to modify a determination; providing for emergency temporary jurisdiction; requiring notice; providing for an opportunity to be heard; providing for joinder of parties; providing for simultaneous proceedings; authorizing the court to decline jurisdiction; specifying the information to be submitted to the court; providing for appearance of parties and the child; providing for enforcement under the Hague Convention; providing for temporary visitation; requiring registration of a determination of child custody; providing for enforcement of a registered determination; requiring expedited enforcement of a determination of child custody; providing for a hearing and court order; providing procedures for obtaining a warrant to take physical custody of a child; providing for costs, fees, and expenses; providing for appeals; specifying duties of the state attorney and law enforcement officers; providing for application and construction of the act; providing for application of laws with respect to a motion filed before the effective date of the act; amending ss. 63.052, 63.087, 63.102, F.S., relating to adoption; conforming cross-references to the Uniform Child Custody Jurisdiction and Enforcement; transferring and renumbering s. 741.24, F.S., relating to civil actions against parents; amending s. 741.28, F.S.; redefining the terms “domestic violence” and

“family household member”; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters a permanent order; repealing ss. 753.001, 753.002, 753.004, F.S., relating to the Florida Family Visitation Network; creating ss. 753.01, 753.02, 753.03, 753.04, 753.05, 753.06, 753.07, 753.08, 753.09, F.S.; providing legislative intent with respect to administering supervised visitation programs; defining terms; providing for the development of standards for the certification of supervised visitation programs; requiring compliance with interim minimum standards; providing for security of the supervised visitation programs; requiring the Clearinghouse on Supervised Visitation to develop training materials; providing for the clearinghouse to develop and implement a mechanism for data collection; providing for the clearinghouse to develop standards for supervised visitation programs; requiring a report to the Legislature; amending s. 787.03, F.S., relating to interference with custody; conforming cross-references to changes in the act; amending s. 943.135, F.S.; requiring the Criminal Justice Standards and Training Commission to allow agencies employing law enforcement officers to authorize volunteer service as a means of fulfilling requirements for continuing education; amending s. 943.171, F.S., relating to basic skills training for handling domestic-violence cases to incorporate cross-reference to revised definitions for “domestic violence” and “family household member”; creating s. 943.254, F.S.; authorizing law enforcement agencies to administer a volunteer program for officers to provide security services during off-duty hours for certain community programs; authorizing the Department of Revenue and the Office of State Courts Administrator to obtain authorization for the courts to use specified funds for mediation services; providing an appropriation to conduct certain studies; providing legislative intent with respect to the development of a collaborative initiative with social service agencies by circuit judges; providing for goals and elements of the collaborative initiative; requesting that the Supreme Court provide guidance to the circuit courts in developing the collaborative initiatives; requiring a report to the Legislature; requiring the Department of Juvenile Justice to organize an interagency workgroup; specifying the goals of the interagency workgroup; requiring a report to the Legislature on the accomplishments of the interagency workgroup; providing for a workgroup to develop an information system for the unified family court model; providing for a report to the Legislature; providing for severability; providing an effective date.

By the Committee on Judiciary; and Senator Burt—

**CS for SB 1316**—A bill to be entitled An act relating to fraud prevention; creating the Fraud Prevention Unit within the Office of the Attorney General to improve and coordinate the state’s response to fraud and related crimes; requiring the Fraud Prevention Unit to establish a State-wide Complaint Receipt and Referral Center to collect, refer, and analyze information concerning fraud; specifying goals of the center; specifying responsibilities of the Fraud Prevention Unit; providing requirements for projects supported by the Fraud Prevention Unit; requiring the unit to develop public information programs and establish recommended training curricula; authorizing the Attorney General to use volunteers who are agents of the Fraud Prevention Unit with respect to protection under the state’s sovereign immunity; requiring the Fraud Prevention Unit to coordinate its investigations with other law enforcement agencies and victim-assistance programs; requiring the unit to use services of the Federal Trade Commission; requiring that the unit avoid duplicating services but communicate the availability of those services; requiring that the Fraud Prevention Unit be developed and operated using existing resources; providing for the use of donated funds and resources; authorizing state agencies and local businesses to assign employees to assist the unit; authorizing the unit to assist victims in correcting credit reports or other identifying information; prohibiting the unit from providing legal representation to victims of fraud; providing an effective date.

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

**CS for SB 1360**—A bill to be entitled An act relating to property tax administration; amending s. 194.011, F.S.; authorizing the Department of Revenue to prescribe the form of a petition to the value adjustment board; providing a timeline for the exchange of information and uniform procedures for value adjustment board hearings; amending s. 194.032,

F.S.; revising the deadline for a notice of appearance; amending s. 194.035, F.S.; requiring value adjustment boards to use special masters who have specified qualifications; amending s. 195.062, F.S.; authorizing the Department of Revenue to update the guidelines for tangible personal property assessment upon the approval of the executive director; amending s. 197.182, F.S.; establishing procedures and timelines for approval or denial of property tax refund claims; amending s. 200.069, F.S.; providing that the Department of Revenue may adjust the placement of required information on Truth-In-Millage forms; providing an effective date.

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By the Committee on Education; and Senator Pruitt—

**CS for SB 1388**—A bill to be entitled An act relating to instructional personnel; amending s. 231.17, F.S.; requiring certain competencies as a prerequisite to initial professional certification; amending s. 231.29, F.S.; requiring procedures to be included in school district evaluation systems for instructional personnel; requiring review by the Department of Education; requiring development and implementation of certain professional development training components; providing an effective date.

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

**CS for SB 1494**—A bill to be entitled An act relating to public records; exempting from public-records requirements certain adverse-incident reports of the Department of Health which pertain to patients, pharmacies, or related matters; providing guidelines for the use of such information; providing a finding of public necessity; providing an effective date.

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

**CS for SB 1500**—A bill to be entitled An act relating to Parents' and Children's Day; amending s. 683.17, F.S.; renaming "Children's Day" as "Parents' and Children's Day"; changing the designated day for the celebration of Parents' and Children's Day; providing an effective date.

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By the Committee on Education; and Senator Villalobos—

**CS for SB 1586**—A bill to be entitled An act relating to education governance; amending s. 39.0015, F.S.; authorizing the State Board of Education to adopt rules relating to child abuse prevention training; amending s. 112.19, F.S.; providing for the State Board of Education to adopt rules and procedures relating to educational benefits provisions for officers killed in the line of duty; amending s. 112.191, F.S.; providing for the State Board of Education to adopt rules and procedures relating to educational benefits provisions for firefighters killed in the line of duty; amending s. 220.187, F.S., relating to corporate tax credit contributions; providing for the State Board of Education to adopt rules; repealing s. 229.001, F.S., which provides for a short title; amending s. 229.002, F.S., relating to the policy and guiding principles for education; removing references to the changes in education governance; establishing legislative policy for decentralized authority to the schools, community colleges, universities, and other institutions; repealing s. 229.003(1), (2), (3), (4), F.S., relating to education governance reorganization; amending s. 229.0031, F.S.; replacing references to the Florida Board of Education with references to the State Board of Education; repealing s. 229.004, F.S., relating to the Florida Board of Education, Commissioner of Education and Secretary of Education; repealing s. 229.005, F.S., relating to governance officers and others; repealing s. 229.006, F.S., relating to the Education Governance Reorganization Transition Task Force; repealing s. 229.0061, F.S., relating to guidelines for implementing Florida's K-20 education system; amending s. 229.007, F.S.; replacing references to the Florida Board of Education with the State Board of Education; eliminating references to the Chancellors; repealing s. 229.0072, F.S., relating to the education reorganization implementation process; repealing s. 229.0073, F.S., relating to the reorganization of the Department of Education; amending s. 229.011, F.S.; providing that public education is a function of the state; reenacting and amending s. 229.012, F.S.; deleting references to the composition and organization of the elected State Board of Education; establishing the

composition and organization of the appointed board; reenacting and amending s. 229.053, F.S.; providing changes to the powers and duties of the State Board of Education; providing for the removal of a member of the State Board of Education for cause; providing additional penalties for violations of s. 286.011, F.S.; providing for the appointment of a new member; repealing s. 229.133, F.S., relating to rulemaking by the State Board of Education for career education programs; reenacting and amending s. 229.512, F.S.; revising the powers and duties of the Commissioner of Education; eliminating certain duties; providing responsibilities for community college, college, and university boards of trustees; repealing s. 229.513, F.S., relating to the Commissioner of Education's review of rules and statutes for school district facilities and related matters; repealing s. 229.515, F.S., relating to rulemaking authority to implement certain provisions of the school code; creating s. 229.516, F.S.; providing for additional duties for the Commissioner; reenacting and amending s. 229.551, F.S., relating to educational management; providing references to the K-20 education system and colleges and state universities; eliminating references to the State University System and the Board of Regents and obsolete dates; providing the State Board of Education and the commissioner with specific functions; providing a technical reference for the public records exemption for tests and related documents developed by the Department of Education; changing references from the common course designation and numbering system to the statewide course numbering system; establishing the Articulation Coordinating Committee; providing for the appointment of members; providing for the adoption of rules; amending s. 229.555, F.S.; providing requirements for postsecondary institutions and boards of trustees for community colleges, colleges, and universities; providing responsibilities for the commissioner; amending s. 229.565, F.S.; eliminating references to commissioner's rules; amending s. 229.57, F.S., relating to the student assessment program; eliminating the high school competency test requirement; removing obsolete references; repealing s. 229.5701, F.S., relating to monitoring and reporting on the methodology for identifying student learning gains; amending s. 229.59, F.S.; replacing the reference to rulemaking by the Commissioner of Education with the State Board of Education; reenacting and amending s. 229.592, F.S., relating to implementation of the state system of school improvement and education accountability; revising the waiver process; providing for the State Board of Education to authorize the commissioner to waive certain board rules; removing the requirement for the commissioner to bring pending waivers to the board; revising the status of provisions for schools designated with certain performance grade categories; repealing s. 229.601, F.S., relating to the Florida Career Education Act; amending s. 229.602, F.S.; removing reference to an obsolete date; transferring and renumbering s. 229.604, F.S., relating to the transition to teaching program; transferring and renumbering s. 229.6041, F.S., relating to grants for career changing professionals; transferring and renumbering s. 229.6042, F.S., relating to training program implementation; transferring and renumbering s. 229.6043, F.S., relating to requirements for teacher preparation programs; amending s. 229.805, F.S., relating to educational television; replacing rulemaking by the Commissioner of Education with the State Board of Education; extending the Department of Education's educational television and other media services to universities; amending s. 229.8051, F.S., relating to the public broadcasting system; replacing rulemaking by the Commissioner of Education with the State Board of Education; creating s. 229.8076, F.S.; establishing the Office of Nonpublic Schools and Home Education Programs within the Department of Education; specifying the responsibilities of the office; requiring the Commissioner of Education to appoint an executive director for the office; specifying duties; amending s. 229.8333, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; reenacting s. 229.8341, F.S.; allowing regional diagnostic and learning resource centers to provide services for infants and preschool children; repealing s. 229.8343, F.S., requiring the Department of Education to develop a model rule for denying participation in sports or other extracurricular activities to certain persons who were delinquent in paying a child support obligation; amending ss. 233.015, 233.056, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; revising the reference to the Division of Public Schools and Community Education with the Division of Public Schools; amending s. 233.058, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending ss. 233.39, 236.02, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending s. 236.025, F.S.; replacing rulemaking of the Department of Education with the State Board of Education; amending s. 236.081, F.S.; replacing rulemaking by the commissioner with the State Board of Education; removing an obsolete reference; amending ss. 236.1225, 237.081, 237.211, 237.40,

316.615, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending ss. 411.224, 446.609, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; amending s. 489.125, F.S.; replacing rulemaking by the commissioner with the State Board of Education; amending ss. 937.023, 984.05, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; repealing s. 229.0074(3), F.S., relating to the Commission for Independent Education; amending s. 228.041, F.S.; revising definitions in the school code; correcting references; replacing references to rulemaking; amending s. 228.055, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; amending ss. 228.062, 228.195, 230.23, F.S.; replacing rulemaking by the Commissioner with the State Board of Education; amending s. 230.2316, F.S.; eliminating the eligibility for waivers of law by second chance schools; providing for programs to operate under rules adopted by the state board; providing general rulemaking authority for the state board; amending s. 230.23161, F.S.; providing rulemaking authority to the State Board of Education rather than the Department of Education; amending ss. 230.23166, 231.700, 232.01, F.S.; providing for the adoption of rules by the State Board of Education rather than the Commissioner of Education; amending s. 232.0315, F.S.; providing rulemaking authority to the State Board of Education rather than the Department of Education; amending ss. 232.23, 232.245, 232.25, 234.02, 234.301, F.S.; providing rulemaking authority to the State Board of Education rather than the Commissioner of Education; amending s. 229.567, F.S.; providing for school readiness uniform screening; amending s. 229.0074, F.S.; eliminating the Division of Independent Education and the appointment of members to the Commission for Independent Education; amending s. 229.58, F.S.; requiring the establishment of technical center school advisory councils; amending s. 229.8075, F.S.; requiring the Department of Education to use certain data; allowing the use of certain data; providing for rules; repealing s. 229.8052, F.S., relating to the state satellite network; repealing s. 229.008, F.S., relating to the boards of trustees of the state universities; repealing s. 229.0081, F.S., relating to the powers and duties of university boards of trustees; repealing s. 229.0082, F.S., relating to the powers and duties of university presidents; repealing s. 229.76, F.S., relating to functions of the Department of Education; eliminating the requirement for the Department of Education to be located in the Office of the Commissioner of Education and statutory duties for the department; repealing s. 229.8065, F.S., relating to expenditures for Knott Data Center and projects, contracts, and grants programs; amending s. 233.17, F.S.; conforming a statutory cross-reference; requiring the Commissioner of Education to make recommendations; requiring a report; creating s. 229.136, F.S.; providing for the preservation of rules of the State Board of Education, the Commissioner of Education, and the Department of Education; specifying those rules of the Department of Education and the Commissioner of Education that become rules of the State Board of Education and those rules of the elected State Board of Education that become the rules of the appointed State Board of Education; transferring rules of the State Board of Education, the Commissioner of Education, and the Department of Education to the appointed State Board of Education; providing for the preservation of validity of judicial or administrative actions; providing for the substitution of parties; providing effective dates.

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By the Committee on Judiciary; and Senator Burt—

**CS for SB 1648**—A bill to be entitled An act relating to public-records exemptions relating to the judiciary; creating s. 44.1026, F.S.; providing for exemptions for social security numbers in judicial records and for communications and documents in presuit and voluntary mediations; providing an effective date.

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By the Committee on Judiciary; and Senators Burt and Saunders—

**CS for SB 1656**—A bill to be entitled An act relating to sexual assault counselors; amending s. 90.5035, F.S.; providing a definition; providing for confidential communication between a sexual crime victim and a trained volunteer at a rape crisis center; expanding the privilege of refusal to disclose certain information to include communications between a victim and a trained volunteer; amending s. 794.024, F.S.; prohibiting disclosure of certain identifying information relating to sexual crime victims by public officers or employees; providing a penalty; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Smith—

**CS for SB 1772**—A bill to be entitled An act relating to damage or destruction of agricultural products or production systems; amending s. 604.60, F.S.; revising provisions that provide a cause of civil action for the knowing and willful damage or destruction of agricultural crops to include damage or destruction to agricultural production systems; providing for allowable damages; providing an exemption from liability; providing an effective date.

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

**CS for SB 1806**—A bill to be entitled An act relating to trust funds; amending s. 215.22, F.S.; providing an exemption to service charges for the Florida Center for Nursing Trust Fund; creating s. 464.0198, F.S.; creating the Florida Center for Nursing Trust Fund; 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 a contingent effective date.

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

**CS for SB 1808**—A bill to be entitled An act relating to the Florida Center for Nursing; amending s. 464.0195, F.S.; authorizing the Board of Nursing to collect additional revenues that are voluntarily paid by nurses upon licensure and licensure renewal to fund the center; providing for deposit of fee revenues in the Florida Center for Nursing Trust Fund; providing an effective date.

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

**CS for SB 1838**—A bill to be entitled An act relating to long-term care; creating s. 409.221, F.S.; creating the “Florida Consumer-Directed Care Act”; providing legislative findings; providing legislative intent; establishing the consumer-directed care program; providing for consumer selection of certain long-term-care services and providers; providing for interagency agreements between the Agency for Health Care Administration and the Department of Elderly Affairs, the Department of Health, and the Department of Children and Family Services; providing for program eligibility and enrollment; providing definitions; providing for consumer budget allowances and purchasing guidelines; specifying authorized services; providing roles and responsibilities of consumers, the agency and departments, and fiduciary intermediaries; providing background screening requirements for persons who render care under the program; providing rulemaking authority of the agency and departments; requiring the agency to apply for federal waivers as necessary; requiring ongoing program reviews and annual reports; providing legislative findings and intent with respect to the needs of the state’s elderly population; requiring the Agency for Health Care Administration and the Department of Elderly Affairs to submit a plan to the Governor and Legislature for reducing nursing-home-bed days funded under the Medicaid program; amending s. 408.034, F.S.; providing additional requirements for the Agency for Health Care Administration in determining the need for additional nursing-facility beds; amending s. 409.912; requiring the Agency for Health Care Administration to establish a nursing facility preadmission screening program; authorizing the agency to operate the program by contract; requiring an annual report to the Legislature and the Office of Long-Term-Care Policy; amending s. 430.03, F.S.; revising the purposes of the Department of Elderly Affairs with respect to developing policy, making recommendations, and coordinating activities; amending s. 430.04, F.S.; revising the duties of the Department of Elderly Affairs with respect to developing programs and policies related to aging; creating s. 430.041, F.S.; establishing the Office of Long-Term-Care Policy within the Department of Elderly Affairs; requiring the office to develop a State Long-Term-Care Plan; requiring the office to make recommendations for coordinating the services provided by state agencies; providing for the appointment of an advisory board to the Office of Long-Term-Care Policy; specifying membership in the advisory board; providing for reimbursement of per diem and travel

expenses for members of the advisory board; requiring that the office submit an annual report to the Governor and Legislature; requiring the Agency for Health Care Administration and the Department of Elderly Affairs to provide staff and support services for the Office of Long-Term-Care Policy; creating s. 430.7031, F.S.; requiring the Department of Elderly Affairs and the Agency for Health Care Administration to implement a nursing home transition program; providing requirements for the program; amending ss. 409.908, 430.708, 641.386, F.S., relating to reimbursement of Medicaid providers, certificates of need, and agent licensing and appointment; conforming cross-references to changes made by the act; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Geller—

**CS for SB 2036**—A bill to be entitled An act relating to exemption from public records requirements; amending s. 500.148, F.S.; providing an exemption from public records requirements for records, documents, or information relating to food-borne illness investigations and hazard-analysis and critical-control-point programs, and for trade secrets and commercial or financial information submitted to the United States Food and Drug Administration, interagency or intraagency memoranda or letters of the United States Food and Drug Administration, and specified communications between the United States Food and Drug Administration and state and local government officials deemed exempt from public information requirements under federal law; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

**CS for SB 2048**—A bill to be entitled An act relating to Medicaid services; providing coverage for certain organ-transplant services; amending s. 409.915, F.S.; exempting counties from contributions for such services; providing an effective date.

By the Committee on Agriculture and Consumer Services; and Senator Geller—

**CS for SB 2072**—A bill to be entitled An act relating to agriculture and consumer services; amending s. 370.31, F.S.; transferring the Sturgeon Production Working Group from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; revising membership and procedures; amending s. 388.261, F.S.; revising provisions relating to state aid to counties and districts for arthropod control; prorating county funds under certain circumstances; providing an exemption from funding requirements under certain circumstances; authorizing the use of state funds when requested by a county or district; authorizing funds for technical assistance or to purchase equipment, supplies, or services; amending s. 388.281, F.S.; revising uses for state matching funds; amending s. 388.361, F.S.; authorizing the Department of Agriculture and Consumer Services to cooperate with local agencies; authorizing collection, detection, suppression, and control of mosquitoes and arthropods on public or private land; amending s. 388.45, F.S.; clarifying provisions relating to threats to public health and the issuance of declarations; authorizing declaration of a threat to animal health when certain conditions exist; authorizing treatment or control measures; amending s. 403.067, F.S.; authorizing implementation of interim measures for specified water bodies for which total maximum daily load or allocation has not been established; amending s. 403.709, F.S.; deleting the minimum county allocation to local mosquito control agencies from waste tire fees; amending s. 482.2401, F.S.; adding education in pest control as an approved use of administrative fine revenues; creating s. 482.243, F.S.; creating the Pest Control Enforcement Advisory Council in the department; providing for membership, terms, and procedures; providing powers and duties; amending s. 487.041, F.S.; increasing the annual registration fee for a registered pesticide; amending s. 500.121, F.S.; revising a fine; providing sanctions for nutrient labeling violations; amending s. 500.148, F.S.; authorizing the department to issue a report certifying food establishment compliance with sanitation and permitting requirements for food exportation purposes; authorizing fees; amending

s. 501.160, F.S.; providing for enforcement of prohibitions of unconscionable prices on rental or sale of essential commodities; amending s. 570.07, F.S.; authorizing the department to provide meals when personnel cannot leave emergency incident locations; amending s. 570.53, F.S.; requiring the Division of Marketing and Development to review and administer community budget request allocations; authorizing an assessment; amending s. 573.124, F.S.; increasing penalties for furnishing false information, or refusing to furnish information, relating to the marketing of agricultural commodities; amending s. 585.002, F.S.; authorizing the department to set fees for additional services relating to the animal industry; increasing fee limits; amending s. 585.08, F.S.; authorizing the Division of Animal Industry, under certain circumstances, to condemn and destroy an animal that is liable to spread contagious, infectious, or communicable disease; amending s. 585.09, F.S.; conforming a cross-reference; repealing s. 585.10, F.S., relating to limitations on payments to owners of condemned and destroyed animals; amending s. 585.105, F.S.; authorizing the department to charge for costs of approved brucella vaccine; amending s. 585.11, F.S.; authorizing the department to cooperate with United States Department of Agriculture accredited private veterinarians; amending s. 585.21, F.S.; requiring written permission of the department prior to sale in the state of certain biological products; amending s. 585.61, F.S.; increasing fees for use of animal disease diagnostic laboratories; amending s. 590.02, F.S.; revising the powers of the Division of Forestry; providing that certain managerial positions are classified under the Selected Exempt Service; amending s. 590.11, F.S.; providing a criminal penalty for violation of recreational fire provisions; amending s. 590.125, F.S.; revising requirements for certified prescribed burning; renaming procedures for protecting wild lands from wildfires; amending s. 597.020, F.S.; requiring aquaculture licenses and certifications to expire annually; amending s. 616.242, F.S.; providing that certain kiddie rides shall be exempt from the requirement for receipt of an inspection certificate each time the ride is set up; revising accident-reporting requirements; amending s. 496.404, F.S.; redefining the term “educational institutions”; designating the U.S.D.A. Service Center Building in Bartow as the John W. Hunt Building; providing effective dates.

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS**

**EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:**

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Dentistry Appointees: Abdoney, Michael L., Tampa Douglas, Helen Ann, Pensacola	10/31/2005 10/31/2005
Board of Directors, Enterprise Florida, Inc. Appointee: Barr, Peter C., Orlando	07/01/2004
Board of Medicine Appointees: Beebe, John W., Boca Raton El Sanadi, Nabil, Ft. Lauderdale Patrowicz, Tully C., Eustis	10/31/2005 10/31/2005 10/31/2005
Board of Pharmacy Appointee: Wessinger, Stacy, Ft. Lauderdale	10/31/2005
Board of Podiatric Medicine Appointee: Golden-Gestner, Deborah S., Bradenton	10/31/2005
Florida Real Estate Commission Appointee: McDonell, Noel P., Tampa	10/31/2004
State Retirement Commission Appointee: Doster, Ernest S., Tallahassee	12/31/2005
Coastal Rivers Basin Board of the Southwest Florida Water Management District Appointee: Bunch, William Y., Crystal River	03/01/2002

[Referred to the Committee on Ethics and Elections.]

*Office and Appointment*

Investment Advisory Council  
 Appointee: Burton, Donald W., Tampa 12/12/2003

**[Referred to the Committees on Governmental Oversight and Productivity; and Ethics and Elections.]**

Board of Accountancy  
 Appointee: Quinlan, John V., Bradenton 10/31/2002

Florida Public Service Commission  
 Appointee: Baez, Braulio L., Tallahassee 01/01/2006

**[Referred to the Committees on Regulated Industries; and Ethics and Elections.]**

**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 561 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

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By Representative Ball and others—

**HB 561**—A bill to be entitled An act relating to disabled parking permits; amending s. 320.0848, F.S.; providing that certain advanced registered nurse practitioners and physician assistants may provide certification for disability required for the issuance of a disabled parking permit; providing an effective date.

—was referred to the Committees on Transportation; and Comprehensive Planning, Local and Military Affairs.

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*For Term Ending*

**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 1336, SB 1338, SB 1340 and SB 1342.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journals of February 6, February 11 and February 13 were corrected and approved.

**CO-SPONSORS**

Senators Campbell—SB 1098, SB 1862; Constantine—SB 1842, SB 2006; Peaden—SB 1142; Posey—SB 544; Wasserman Schultz—SB 1914

**RECESS**

On motion by Senator Lee, the Senate recessed at 10:57 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, February 20.

**SENATE PAGES**

February 11-15, 2002

Stephen Burke, Webster; Stephen Carr, Tallahassee; Chuck Clark, North Miami; Sedarrien Coley, Miami; Franklin “Jesse” Davis, Center Hill; Christopher Denton, Bradenton; Jessica Dotter, Tallahassee; Abigail Eldridge, Panama City; Abrium “Torrey” Evans, Tampa; Cyrus “Russ” Everette, III, Tallahassee; Jonathan Hasel, Inverness; Lemon-teh’ Horne, Gretna; Priscilla Johnson, Miami; William “Will” Martinez, Orlando; Etta Mills, Hollywood; Keith Pitts, Live Oak; Allie Pohl, Winter Park; Trey Rhoden, III, Macclenny; Lauren Strickland, Tallahassee