



Journal of the Senate

Number 14—Regular Session

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CALL TO ORDER

The Senate was called to order by President McKay at 1:30 p.m. A quorum present—39:

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

Excused: Senator Brown-Waite

PRAYER

The following prayer was offered by Chaplain Dick Jenkins, Madison Correctional Institute, Madison:

Today, O Lord, as the members of this State of Florida Senate, and myself, pause in this moment of prayer, we unite our thoughts for thy blessings. May the members never feel lonely in their chair or their standing. May thy will be done—here in this chamber, nearby offices, and throughout our State of Florida, and throughout America.

I believe that you, O God, canst tell these members not only what to do, but also how to do it.

If, in a circumstance, a mind needs made up—or—a change of mind, may the miracle be achieved. Never, never, let these members be afraid of a new idea, nor unreceptive to a new thought.

May gratitude be the spirit of our afternoon and our evening. Amen.

PLEDGE

Senate Pages Timothy “Tim” Hodgins of Monticello, Sharika Ceasor of Tallahassee and Allison Rose of Pembroke Pines, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert Pickard of South Miami, sponsored by Senator Diaz de la Portilla, as doctor of the day. Dr. Pickard’s specialty is Ear, Nose and Throat.

ADOPTION OF RESOLUTIONS

On motion by Senator Klein—

By Senator Klein—

SR 2466—A resolution commending the Palm Beach County Health Department for its dedicated service to the public during the anthrax crisis.

WHEREAS, on October 4, 2001, the Palm Beach County Health Department announced that it was investigating a case of anthrax infection, and

WHEREAS, the detection of this anthrax infection was made possible by the Palm Beach County Health Department’s proper use of its public-health surveillance systems and the hard work of its public-health professionals, and

WHEREAS, the Palm Beach County Health Department, as a vital component of the Florida Department of Health, worked with state health officials, the Centers for Disease Control and Prevention, the Board of County Commissioners, and the residents of Palm Beach County to quickly confirm the first case of anthrax infection in the United States since 1978, and

WHEREAS, the identification of a second case of anthrax infection at the same workplace led to the conclusion that the infections were the result of a biological attack, and

WHEREAS, Palm Beach County Health Department’s efforts, expertise, and leadership were instrumental in the state’s early detection of anthrax, which “sounded the alarm” for health and law enforcement officials across the country, and

WHEREAS, as a result of these quick actions, other suspected attacks and previous attacks were identified, and

WHEREAS, this response to crisis resulted in the implementation of new procedures across the country to prevent and limit further anthrax infections, thereby saving many lives, and

WHEREAS, the Palm Beach County Health Department has always played a vital role in making our state a leader in the field of public health and helping it serve as a model of preparedness and response for other areas, and

WHEREAS, throughout this public-health crisis, the Palm Beach County Health Department acted in an exemplary manner while fulfilling its obligations to protect and serve the public, NOW, THEREFORE,

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

That the Florida Senate commends the staff of the Palm Beach County Health Department, Florida Department of Health, for their lifesaving and tireless efforts on behalf of the residents of Palm Beach County during the anthrax crisis.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to the Palm Beach County Health Department as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Klein, **SR 2466** was read the second time in full and adopted.

On motion by Senator King—

By Senator King—

SR 2530—A resolution celebrating March 5, 2002, as “F.S.U. Day.”

WHEREAS, the Tallahassee campus of Florida State University is the oldest continuous site of higher education in Florida and holds the state’s first chapter of Phi Beta Kappa, and

WHEREAS, in 1994, the Florida State University was designated as a “Research I” institution by the Carnegie Foundation, thus placing Florida State in an elite group of the nation’s top research universities, and

WHEREAS, the solid foundation for this “Research I” university was laid through its role as the state’s first liberal arts college, which grew into the Florida State College for Women, the nation’s second-largest state college for women, recognized by the Association of American Universities in 1924, and

WHEREAS, today the university’s mission emphasizes teaching, research, and public service, with 17 independent colleges and schools, the newest being the College of Medicine, with coursework first taught in the late 1800’s, and

WHEREAS, with graduate and undergraduate degrees offered in more than 570 fields, many of which are nationally recognized programs, Florida State University’s comprehensive offerings prepare students for graduate school, professional degree programs, or successful careers, and

WHEREAS, Florida State University is a leader in the use of new technologies, setting the standard for distance learning and using technology in the classroom as well as campus-wide, which allows professors and students to share research with colleagues and students around the world, and

WHEREAS, Florida State University consistently ranks among the top three universities nationally in revenues generated from scientific research and discoveries, which ranking is an indicator of the university’s successful commercialization efforts; and the research foundation continues to grow, and

WHEREAS, well-rounded and successful graduates have taken advantage of Florida State University’s high-quality academics and research and have gained service, social, and leadership skills and have prepared themselves to take a meaningful role in society, and

WHEREAS, through a long-continuing tradition of promoting racial, ethnic, and cultural diversity on its campus, along with the aggressive recruitment of diverse groups of students, the college experience has become more enriching for Florida State University students, and

WHEREAS, Florida State University has a strong reputation in the fine and performing arts, having developed distinguished programs in theater, music, dance, and film, and having established a statewide presence with the Asolo Theatre, the Ringling Museum, and the Appleton Museum, and

WHEREAS, Florida State University continues to be a tremendous source of pride for its students, faculty, alumni, friends, and administrators, as well as for all residents of the State of Florida, and

WHEREAS, with its strong history as a liberal arts college, commitment to undergraduate education, and extensive and distinguished research in facilities such as the National High Magnetic Field Laboratory, Florida State University is truly on the cutting edge of higher education, NOW, THEREFORE,

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

That the Florida Senate celebrates March 5, 2002, as “F.S.U. Day” in Tallahassee, in honor of Florida State University’s contribution as an outstanding institution of higher education.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Talbot “Sandy” D’Alemberte, President of Florida State University, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator King, **SR 2530** was read the second time in full and adopted.

At the request of Senator Wise—

By Senator Wise—

SR 2018—A resolution recognizing October 31-November 3, 2002, as Ham Jam Week in Clay County.

WHEREAS, the Fifteenth Annual First Coast Ham Jam will be held in Clay County during October 31-November 3, 2002, and

WHEREAS, teams from all across the state are expected to participate in this contest, using various cooking apparatus, techniques, and recipes, and

WHEREAS, this event has grown each year, gaining statewide recognition, and it has become one of Florida’s most popular annual festivals, and

WHEREAS, the First Coast Ham Jam was recognized by proclamation of the Governor of the State of Florida in 1988 and became the First Official Pork Cooking Contest in Florida, and

WHEREAS, the Florida Senate has proclaimed the First Coast Ham Jam as the Official State Pork Cooking Contest, NOW, THEREFORE,

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

That the Florida Senate recognizes October 31-November 3, 2002, as Ham Jam Week in Clay County and extends its best wishes to all participants and visitors for a most enjoyable event.

—**SR 2018** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2480—A resolution recognizing the positive influence of permanently locating the United States Southern Command in Miami-Dade County.

WHEREAS, the United States Southern Command (Southcom) is responsible for all United States military interaction in Central and South America and the Caribbean, and

WHEREAS, the Southcom headquarters relocated to Miami from the Republic of Panama because of Miami’s unique ability to support and complement the mission requirements of the command, and

WHEREAS, the economic, political, cultural, and social impact of the Southern Hemisphere on the United States and this state is critically important and will only continue to grow, and

WHEREAS, this state is fully involved in trade and cultural relations with the Southern Hemisphere, and has the complementary resources available in the Miami area to work with that region, and

WHEREAS, for the same reasons that the permanent Secretariat of the Free Trade Areas of the Americas should be located in Miami, as espoused by Congress in its joint concurrent resolutions dated November 19, 1999, and April 11, 2001, Miami and this state are uniquely situated geographically and possess the infrastructure, resources, and culture necessary for the success of both organizations, and

WHEREAS, the Southcom headquarters building and land is currently operated through a limited term lease, and any action to extend the Southcom headquarters beyond the terms of the current lease requires Congressional approval, and

WHEREAS, this state has provided the Federal Government with a no-cost, 50-year lease of land abutting the Southcom headquarters, satisfying long-term security requirements and enhancing its current limited term lease, and

WHEREAS, any delay in resolving the long-term presence of Southcom headquarters fails to signal the commitment of the United States and this state to our partner nations in the region, NOW, THEREFORE,

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

That the Florida Senate recognizes and appreciates the positive influence, at present and in the future, of Southcom's presence at its current location in Miami-Dade County towards the furthering of this nation's relationship with its Latin American neighbors, the fostering of international trade opportunities, and the strengthening of the defense of our southern borders.

—SR 2480 was introduced, read and adopted by publication.

BILLS ON THIRD READING

CS for SB 148—A bill to be entitled An act relating to homeowners' associations; amending s. 720.304, F.S.; providing that any homeowner may display a United States flag; amending s. 720.3075, F.S.; prohibiting association documents from placing certain restrictions on the display of a United States flag; providing for retroactive application of the act; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, CS for SB 148 was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Mr. President, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dyer, Futch, Garcia, Geller, Holzendorf, Jones, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Mitchell, Peaden, Posey, Pruitt, Rossin, Sanderson, Saunders, Sebasta, Silver, Smith, Sullivan, Villalobos, Wasserman Schultz, Wise.

Nays—None

Vote after roll call:

Yea—Burt, Webster

SENATOR CRIST PRESIDING

CS for CS for SB 150—A bill to be entitled An act relating to the United States flag; creating s. 256.15, F.S.; providing that it is unlawful to prohibit the display of the flag of the United States; providing an exception; providing penalties; providing an effective date.

—as amended February 27 was read the third time by title.

On motions by Senator Cowin, CS for CS for SB 150 as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Table with 3 columns: Campbell, Carlton, Clary, Constantine, Cowin, Dawson, Diaz de la Portilla, Dyer, Futch, Garcia, Geller, Holzendorf, Jones, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Mitchell, Peaden, Posey, Pruitt, Rossin, Sanderson, Saunders, Sebasta, Silver, Smith, Sullivan, Villalobos, Wasserman Schultz, Webster, Wise.

Table with 3 columns: Pruitt, Rossin, Sanderson, Saunders, Sebasta, Silver, Smith, Sullivan, Villalobos, Wasserman Schultz, Webster, Wise.

Nays—None

Vote after roll call:

Yea—Burt, Crist

CS for SB 334—A bill to be entitled An act relating to anatomical gifts; amending ss. 765.510, 765.512, 765.516, 765.517, F.S.; amending the declaration of legislative intent; prohibiting modification of a donor's intent; providing that a donor document is legally binding; authorizing specified persons to furnish donors' medical records upon request; revising procedures by which the terms of an anatomical gift may be amended or the gift may be revoked; revising rights and duties with respect to the disposition of a body at death; proscribing legal liability; providing an effective date.

—was read the third time by title.

On motion by Senator King, CS for SB 334 was passed and certified to the House. The vote on passage was:

Yeas—35

Table with 3 columns: Campbell, Carlton, Constantine, Cowin, Dawson, Diaz de la Portilla, Dyer, Futch, Garcia, Geller, Holzendorf, Jones, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Mitchell, Peaden, Posey, Pruitt, Rossin, Sanderson, Saunders, Sebasta, Silver, Smith, Sullivan, Villalobos, Wasserman Schultz, Webster, Wise.

Nays—None

Vote after roll call:

Yea—Burt, Clary, Crist

SB 2054—A bill to be entitled An act relating to building designations; designating a building under construction in Tallahassee as the "Elaine Gordon Children's Medical Services Building"; directing the Department of Health to erect suitable markers; providing an effective date.

—was read the third time by title.

On motion by Senator Silver, SB 2054 was passed and certified to the House. The vote on passage was:

Yeas—34

Table with 3 columns: Campbell, Carlton, Clary, Constantine, Cowin, Dawson, Diaz de la Portilla, Dyer, Futch, Garcia, Geller, Holzendorf, King, Klein, Latvala, Lawson, Lee, Meek, Miller, Mitchell, Peaden, Posey, Pruitt, Rossin, Sanderson, Saunders, Sebasta, Silver, Smith, Sullivan, Villalobos, Wasserman Schultz, Webster, Wise.

Nays—None

Vote after roll call:

Yea—Burt, Crist, Jones, Laurent

REMARKS

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

Senator Silver: Thank you, Mr. President. It is an extreme privilege to be able to introduce this bill to the State Senate.

This bill names the children's medical services building currently under construction in Tallahassee after former State Representative Elaine Gordon. Elaine Gordon was elected to the House of Representatives in 1972. She was the first woman to chair a standing committee, the first female Speaker Pro Tempore of the Florida House of Representatives, and the first woman inducted into the Florida Women's Hall of Fame.

In 1992 after 20 years of service, she was the Dean of the Florida House of Representatives. Elaine Gordon was a person who fought for her beliefs. She fought vigorously for them. She was in the forefront of the Women's Rights movement. We, today, can be very thankful for our daughters and granddaughters who are going to have a chance and an opportunity to succeed and to do whatever they desire in their lives.

She was the first legislator to focus attention on domestic violence as a social problem. She wore a medical mask in the House Chamber to protest the smoking allowed on the House floor. She was allergic to cigar smoke, so she set up a fan on her desk to blow the offending smoke away. Smoking was soon banned from both the House and Senate Chambers and all committee meeting rooms. She was, to say the least, outspoken and feisty.

I had the privilege of serving with Elaine when I entered the Legislature in 1978. What a lady she was; good to her word, the thing that we always remember is that she was well respected. When she was on the other side of an issue, you knew you were in for a real hard fight, but you knew it would be a good one and afterwards you'd walk away and be friends. She was a trail blazer to say the very least. I know there are some other members, Mr. President, who want to say a few words, so I would at this time yield to them.

Senator Sanderson: Thank you, Mr. President. I too had the privilege of serving with Elaine Gordon. As the Senator from the Thirty-eighth has said, she had a wonderful sense of humor. She was a feminist. I was happy being feminine and we still got along very well. She was terrific. She chaired the Health and Human Services Appropriations Committee that I had the privilege of serving on so I got to know her very well and learned to love her too.

We had skits which we did each year. She was in one, and it was funny. This was back in 1987 or 1988. She was up there in one of the skits. She was talking about the sales tax exemptions. I'll use an example that you'll probably never forget, any of you. She said, "Well if," and I'll use the Senator from the Thirty-second, "if she and I were to go to," and I'll use Victoria's Secret, and "we were to purchase a brassiere, we would pay sales tax. If the Senator from the Thirty-eighth and the President of the Senate were to go to Champs and purchase a (how shall I say this delicately?) an athletic supporter, they would not pay sales tax. Now they're both sustainers, aren't they? What's the difference?" That was the point she was trying to make. I have used that example sometimes in discussing the issue of the sales tax on services and some of the exemptions. So I'll leave you with a smile on your face because that's how Elaine would like us to remember her. Thank you.

Senator King: Thank you, Mr. President. In 1986 I was fortunate enough to get elected. I was very fortunate to be adopted by Elaine Gordon. It was a very unusual amalgamation. Here you had this fierce Democratic stalwart, and on the other hand you had this green-as-grass freshman Republican. She took a liking to me, and I to her, because I admired her ability to debate. I really admired her logic, and I admired her dedication to her cause and to her constituency. As the years went by she helped make the bridges that I still have between myself and my Democratic colleagues. Really solid bridges, really understandable bridges, really compassionate bridges. Because for the first time we walked in each other's shoes. I understood what it was to represent a constituency such as hers.

In 1988, having served two years, Elaine Gordon came to me and said, "The Black Caucus and the Jewish Caucus would like to make a request of you." I said, "What's that?" She said, "We have been trying for a few years to pass a hate crimes bill, but we've not been able to pass it because people, I think, feel as if we're trying to self serve. So we've identified you for a number of reasons; one, you're a Republican; two, you're a Christian Protestant; and three, we think that you can make our case because you understand us." I thought that bill was going to be motherhood and apple pie; I jumped on it and said, "Of course I'll do that." For the next three months, I suffered as did those people I was trying to protect from racism, from bodily harm, from property damage, from arguments given simply because I would be so gauche as a Christian and as a Protestant to offer a bill that would protect someone from not getting singled out because of race, creed, national origin, or color.

You remember, some of you who served with me back then, the FBI and the Florida Department of Law Enforcement had to step in because of some of the circumstances that were going on. For a week or 10 days during the debate I was protected wherever I went. I will never, ever forget the feeling of pride that I had when that bill passed and Elaine Gordon came and hugged me and said, "No one could have done it better. All of us and all of our progeny will forever be grateful for the fact that you had the guts to do what you did."

Flipping ahead two years, after the death of my mother, I was determined I wanted to do the death-with-dignity bill. I was having a great deal of problems with it within my own caucus because it kept on getting confused with right-to-life and abortion. If you recall the death-with-dignity bill simply said that if at the time a physician deemed that you were terminally ill with no hope of recovery that you could, if you had exercised a living will, request the removal of any sustenance or the elimination of any further care. Elaine Gordon came to my rescue. She and many of my Democratic friends jumped in and we were able, after the third year, to pass the bill, which has subsequently become a landmark piece of legislation in 18 other states. Elaine, before she died, contacted me. She had cancer. She contacted me and said, "Jim, I've now lived through the purviews of your bill. I will tell you that for those of us that are about to die, and those who will be affected in the future, the legislation you passed is so important, so visionary, and so helpful."

With the loss of Elaine Gordon, this state lost one of the best champions it ever had for the rights of women, for the rights of minorities, for the little people, and for health care. I don't know of any one that has served before or probably will ever serve again that could have been any more dedicated to her cause and to her beliefs. I was proud to know her. I was even more proud to have her call me friend. Thank you.

Senator Wasserman Schultz: Thank you, Mr. President. I was elected in 1992 when I was 26 years old and I was a little unusual. I know that is going to come as a shock. Most of the members of the House of Representatives at the time were old enough to be my parents or my grandparents, including Representative Gordon.

Representative Gordon came from a time when women were beginning to blaze a trail towards elective office. She was elected in the 1970s when I was about 8 years old, maybe a couple of years younger than that even. At the time she was elected, women didn't run for office until they had gotten married, had their children, and their children had grown and left the nest. Then they were able to devote their time and their lives to personal and professional advancement.

People like Elaine Gordon and Elaine Gordon herself, made it possible 20 years later for young women like me to be able to start at the beginning of our adulthood by running for office and helping to blaze the trail for the next generation. I would not have had an opportunity at 25, when I first announced my candidacy to do that, had Elaine Gordon not blazed the trail in front of me. When I got to the Legislature, she also, like many others have said, took me under her wing when I would get a little worked-up on the floor of the House. Since many of you were elected with me in the same year, you watched me do that on occasion and have watched me do it since. She would pull me aside and just try to calm me down because she had obviously been through it millions of times before. She helped me understand how to deal with some of you guys—how to deal with some of the "good ole boys."

You know, being a girl from New York originally, and being young and not nearly as experienced as she was or as many of my colleagues were, she helped me find my way. She helped me learn how to be a better

public servant and quite honestly, she helped me learn how to be a better woman. I hope that I'm able to take the lessons that she taught me through the rest of my career in the Legislature, and quite honestly, the lessons she taught me will help me to raise my daughter to be a wonderful young woman in the future. Thank you and congratulations to our friend in this legislation.

Senator Klein: Thank you very much, Mr. President. I, too, would like to commemorate Elaine Gordon and certainly, applaud the idea of naming a children's medical services building after her. She was, as the Senator from the Eighth said, someone who was interested in children's issues, health care issues and minority issues. She was a fighter.

Those of us who were elected and had the opportunity to serve with her in the House will always remember her advocacy for one particular issue, because she was given the honor every year, and I mentioned this in the Health Care Committee a couple of weeks ago, of something called House Bill 1. That was the tradition and anybody who served in the House for many, many years knew what House Bill 1 meant because it was the same bill every year. It was the advocacy of universal health care. That was a goal that she had. She fought for it every year. It was passed every year out of the Health Care Committee and died somewhere along the way. But she tried, she believed in it, and it was no different than all the other things she believed in, that she was so successful with in blazing those trails that allowed so many people after her to serve and serve well, not only in the Legislature, but in various forms of government.

I, too, feel very strongly that this is extremely appropriate, naming a facility in this state that will always bear her name and will always be indicative of the kind of leader she was and the kind of public servant that we all strive to be.

Senator Holzendorf: Thank you, Mr. President. Mr. President, when I came to the Legislature in 1988, I met Elaine Gordon. It was not under some of the most favorable circumstances as the Senator from the Thirty-eighth.

I came to the Legislature. I had campaigned under experience, so my first bill was to reorganize or to change Chapter 39. If no one knows what Chapter 39 [Florida Statutes] is, it dealt with children's services. I remember Elaine Gordon coming to my office one afternoon. She quietly and very effectively explained to me that I did not want to do that. At that particular time, I did not really understand what she meant and so I proceeded to continue to do that and eventually, got the bill to the floor. Elaine, being the lady she was, and me being a freshman, helped me get that bill over here to the Senate.

That was my first experience with the Senate and a Senator named Eleanor Weinstock who stopped that bill right where it was. But the things Elaine Gordon taught those of us who came to the Legislature were; number one, if you have an idea and you think that it's a good idea and it helps people, pursue your idea; number two, that in defeat you don't lose, you really grow. The most convincing thing was that she did all of this very eloquently and not like some of us who came to the Legislature as firebrands, and wanted to burn down everything as we scorched our path. But she could do it and at the end of the fight, Elaine Gordon was still your friend.

She never made a point of making the things that happened in this building personal. If you were helping children, she was your strongest advocate. It's very, very befitting that the building, Children's Medical Services, is being named for her because it never mattered whether you were on the HRS Appropriations Subcommittee or not, if you had programs that affected the lives of children and helped children, Elaine Gordon was there. I'm glad I had the opportunity to serve with her in the House of Representatives. I think that's what made me a better legislator to serve in this Senate. Thank you, Mr. President.

Senator Silver: Thank you, Mr. President. I surely, as I'm sure Elaine's family, appreciate all the kind words that have been said. But we all know they are not adequate words to describe what Elaine Gordon was. Some are asking why we are naming a state building outside of Miami for Elaine. I've got to tell you. The reason why we are doing it is because of some of the things you have heard today. She had a profound effect upon this state and its people. She made this state a better state for all of us to live in. That's why we are doing this, because of her concern for these particular issues.

I wanted to also bring out one point since my good colleague over here is sitting next to me. You should imagine what this delegation was like with Representative Elaine Gordon and her feistiness and former Senator, now Congresswoman, Carrie Meek, who was in the delegation at the same time. Those of us who knew Congresswoman Meek at the time, a little play on words, we couldn't keep up with her. We would not dare to disagree with them on anything. We just did what we were told to do. That's what we did. These were both fine women. Congresswoman Meek now serves us in Washington. Elaine Gordon will always be remembered as someone who helped all of us out. Thank you, Mr. President.

On motion by Senator Pruitt, by two-thirds vote **CS for HB 7** was withdrawn from the Committees on Education; and Appropriations.

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

CS for HB 7—A bill to be entitled An act relating to determination of residency for tuition purposes; providing a title; amending s. 240.1201, F.S.; revising provisions relating to determination of residency for tuition purposes to classify certain members of the Florida National Guard as residents for tuition purposes; providing an effective date.

—a companion measure, was substituted for **CS for SB 128** and by two-thirds vote read the second time by title. On motion by Senator Pruitt, by two-thirds vote **CS for HB 7** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crist

On motion by Senator Silver, by two-thirds vote **HB 325** was withdrawn from the Committees on Transportation; and Finance and Taxation.

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

HB 325—A bill to be entitled An act relating to road designations; designating a specified portion of Le Jeune Road in the City of Coral Gables and the City of Miami in Miami-Dade County as a state historic road; prohibiting the expenditure of state funds for certain purposes; providing construction of the act; directing the Division of Historical Resources of the Department of State to provide for the erection of suitable markers; providing an effective date.

—a companion measure, was substituted for **SB 1010** as amended and by two-thirds vote read the second time by title. On motion by Senator Silver, by two-thirds vote **HB 325** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Burt	Crist	Geller
Campbell	Dawson	Holzendorf
Carlton	Diaz de la Portilla	Jones
Clary	Dyer	King
Constantine	Futch	Klein
Cowin	Garcia	Latvala

Laurent	Posey	Smith
Lawson	Pruitt	Sullivan
Lee	Rossin	Villalobos
Meek	Sanderson	Wasserman Schultz
Miller	Saunders	Webster
Mitchell	Sebesta	Wise
Peaden	Silver	

Nays—None

SB 372—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; providing requirements relating to passing scores on the grade 10 Florida Comprehensive Assessment Test; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **SB 372** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crist, Jones, Villalobos

HB 341—A bill to be entitled An act relating to state universities; authorizing a bachelor of science in nursing degree program at the University of West Florida; authorizing a master's in social work degree program at Florida Atlantic University; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **HB 341** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Webster

SB 496—A bill to be entitled An act relating to educational benefits for dependent children of military personnel who die or incur total and

permanent disability while participating in Operation Enduring Freedom; creating s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or suffer a specified disability in Operation Enduring Freedom; specifying documentation that constitutes proof of eligibility for such benefits; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **SB 496** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crist, Webster

CS for SB 176—A bill to be entitled An act relating to educational benefits for children of slain law enforcement officers and firefighters; amending ss. 112.19, 112.191, F.S.; providing for graduate or postbaccalaureate educational expenses to be waived for children of officers or firefighters killed in the line of duty; providing for the waiver to apply to a state resident who attends a state institution as a full-time or part-time student until a specified age; providing an effective date.

—as amended February 27 was read the third time by title.

On motion by Senator Silver, **CS for SB 176** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crist, Garcia

SB 1390—A bill to be entitled An act relating to education; expressing the legislative intent to amend s. 229.05371, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 232.245, F.S.; requiring a school district to notify the parent of a student who does not take the statewide assessments; requiring a parent's signed consent for the provision of instructional modifications that would not be permitted on the statewide assessments; amending s. 229.57; requiring a school district to notify the parent of a student who does not take the statewide assessments; requiring a school district to

notify a parent when a student is provided with instructional modifications that are not allowable in the statewide assessment program and to inform the parent regarding the impact of nonparticipation on the student's ability to meet expected proficiency levels; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **SB 1390** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crist

CS for CS for SB 382—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; providing for intergovernmental coordination between local governments and district school boards where a public-school-facilities element has been adopted; requiring certain local governments to prepare an inventory of service-delivery interlocal agreements; requiring local governments to provide the Legislature with recommendations regarding annexation; requiring local governments to consider water-supply data and analysis in their potable-water and conservation elements; repealing s. 163.31775, F.S., which provides for intergovernmental coordination element rules; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing for certain municipalities to be exempt; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the public educational facilities element; creating s.163.31777, F.S.; requiring certain local governments and school boards to enter into a public schools interlocal agreement; providing a schedule; providing for the content of the interlocal agreement; providing a waiver procedure associated with school districts having decreasing student population; providing a procedure for adoption and administrative challenge; providing sanctions for the failure to enter an interlocal agreement; providing that a public school's interlocal agreement may only establish interlocal coordination procedures unless specific goals, objectives, and policies contained in the agreement are incorporated into the plan; amending s. 163.3180, F.S.; providing an exemption from concurrency for certain urban infill areas; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; authorizing the adoption of a public educational facilities element, notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; requiring an evaluation of whether the potable-water element considers the appropriate water management district's regional water supply plan and includes a workplan for building new water supply facilities; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the infrastructure sales surtax and the school capital outlay surtax by a super majority vote and requiring certain educational facility planning prior to the levy of the school capital outlay

surtax; providing for the uses of the surtax proceeds; amending s. 235.002, F.S.; revising legislative intent; reenacting and amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt educational facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plans; providing requirements for the plans; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plans; amending s. 235.188, F.S.; conforming provisions; amending s. 235.19, F.S.; providing that site planning and selection must be consistent with interlocal agreements entered between local governments and school boards; amending s. 235.193, F.S.; requiring school districts to enter certain interlocal agreements with local governments; providing a schedule; providing for the content of the interlocal agreement; providing a waiver procedure associated with school districts having decreasing student population; providing a procedure for adoption and administrative challenge; providing sanctions for failure to enter an agreement; providing that a public school's interlocal agreement may not be used by a local government as the sole basis for denying a comprehensive plan amendment or development order; providing requirements for preparing a district educational facilities report; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.2197, F.S.; correcting a statutory cross-reference; amending ss. 235.321, 236.25, F.S.; conforming provisions; amending s. 380.06, F.S.; revising provisions governing substantial-deviation standards for developments of regional impact; providing for designation of a lead regional planning council; amending s. 380.0651, F.S.; revising standards for determining the necessity for a development-of-regional-impact review; providing legislative intent with respect to the inapplicability of specified portions of the act to pending litigation or future appeals; providing a legislative finding that the act is a matter of great public importance; providing an effective date.

—as amended February 27 was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 382** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Webster

Vote after roll call:

Yea—Jones

Consideration of **CS for CS for SB 526** was deferred.

SB 1222—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies a parent who leaves a newborn infant at an emergency medical services station; providing an exception; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended February 27 was read the third time by title.

On motion by Senator Saunders, **SB 1222** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crist

CS for SB 434—A bill to be entitled An act providing for the submission of current information for the preparation of jury lists; amending s. 40.011, F.S.; requiring the Department of Highway Safety and Motor Vehicles to periodically deliver jury lists to the clerks of circuit courts; amending s. 40.022, F.S.; requiring the Department of Law Enforcement to establish procedures for submitting certain information; amending s. 322.051, F.S.; requiring applications for identification cards issued by the Department of Highway Safety and Motor Vehicles to specify the county of residence; amending s. 322.08, F.S.; requiring applications for driver’s licenses to specify the county of residence; providing an effective date.

—was read the third time by title.

Senators Burt and Smith offered the following amendment which was moved by Senator Smith and adopted by two-thirds vote:

Amendment 1 (740098)—On page 1, line 25, delete “monthly” and insert: *quarterly*

On motion by Senator Smith, **CS for SB 434** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 183—A bill to be entitled An act relating to motor vehicles; repealing s. 29(19), ch. 2001-196, Laws of Florida, relating to a provision of law making it a deceptive and unfair trade practice for a motor vehicle dealer to add certain additional charges for pre-delivery services; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **HB 183** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 329—A bill to be entitled An act relating to small aircraft transportation; providing legislative intent with respect to NASA’s Small Aircraft Transportation System; providing an effective date.

—was read the third time by title.

On motion by Senator Mitchell, **HB 329** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 998—A bill to be entitled An act relating to criminal justice; amending ss. 790.163, 790.164, F.S.; prohibiting making a false report concerning the placing or planting of a weapon of mass destruction; providing a penalty; prohibiting the court from suspending or withholding adjudication of guilt or imposition of sentence for such offense; providing that proof of a person knowingly making a false report is prima facie evidence of intent to deceive or provide misinformation; amending s. 790.165, F.S.; revising the elements of the offense of planting a hoax bomb to prohibit sending, mailing, or using a hoax bomb or threatening, attempting, or conspiring to use a hoax bomb; enhancing the penalty imposed for committing such offense; amending s. 790.166, F.S.; redefining the term “weapon of mass destruction” to include a device or object that is intended to kill or injure an animal, that involves a biological agent, or that is designed to release radiation or any biological agent, toxin, vector, or delivery system; prohibiting the court from suspending or withholding adjudication of guilt or imposition of sentence for specified offenses involving a hoax weapon of mass destruction; providing that proof a device caused injury or death or released radiation is prima facie evidence that the device was designed or intended to cause such death, injury, or release; providing that it is a felony of the second degree to possess, display, or threaten to use a hoax weapon of mass destruction while committing or attempting to commit a felony; providing that certain devices or instruments are not weapons of mass destruction; amending s. 921.0022, F.S., relating to the offense severity ranking

chart of the Criminal Punishment Code; conforming cross-references and provisions to changes made by the act; providing an effective date.

—as amended February 27 was read the third time by title.

On motion by Senator Smith, **CS for SB 998** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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
Dyer	Mitchell	Webster
Garcia	Peaden	Wise
Geller	Posey	
Holzendorf	Pruitt	

Nays—None

CS for SB 160—A bill to be entitled An act relating to pari-mutuel wagering; providing a short title; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term “bona fide organization that promotes or encourages the adoption of greyhounds”; amending s. 550.26165, F.S.; revising criteria for making breeders’ awards for racehorses; amending s. 550.2625, F.S.; providing for payment of special racing awards; amending s. 550.5251, F.S.; allowing a thoroughbred racing permitholder to operate a cardroom; amending s. 849.086, F.S.; redefining the term “authorized games”; allowing the amendment of a permitholder’s annual application to include operation of a cardroom; providing restrictions relating to harness permitholder cardrooms; revising standards relating to when cardrooms may be operated and relating to bets; authorizing facilities to award prizes; providing an effective date.

—as amended February 27 was read the third time by title.

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

Amendment 1 (253344)(with title amendment)—On page 14, line 17 through page 16, line 8, delete those lines and insert:

(b) A cardroom may be operated at the facility only when the facility is authorized to accept wagers on pari-mutuel events during its authorized meet. A cardroom may begin operations within 2 hours prior to the post time of the first pari-mutuel event conducted live at the pari-mutuel facility on which wagers are accepted and must cease operations within 2 hours after the conclusion of the last pari-mutuel event conducted live at the pari-mutuel facility on which wagers are accepted.

(c) A cardroom operator must at all times employ and provide a nonplaying dealer for each table on which authorized card games which traditionally utilize a dealer are conducted at the cardroom. Such dealers may not have any participatory interest in any game other than the dealing of cards and may not have an interest in the outcome of the game. The providing of such dealers by a licensee shall not be construed as constituting the conducting of a banking game by the cardroom operator.

(d) Each cardroom operator shall conspicuously post upon the premises of the cardroom a notice which contains a copy of the cardroom license; a list of authorized games offered by the cardroom; the wagering limits imposed by the house, if any; any additional house rules regarding operation of the cardroom or the playing of any game; and all costs to players to participate, including any rake by the house. In addition, each cardroom operator shall post at each table a notice of the minimum and maximum bets authorized at such table and the fee for participation in the game conducted.

(e) The cardroom facility shall be subject to inspection by the division or any law enforcement agency during the licensee’s regular business hours. The inspection will specifically encompass the permitholder internal control procedures approved by the division.

(f) A cardroom operator may refuse entry to or refuse to allow to play any person who is objectionable, undesirable, or disruptive, but such refusal shall not be on the basis of race, creed, color, religion, sex, national origin, marital status, physical handicap, or age, except as provided in this section.

(8) **METHOD OF WAGERS; LIMITATION.**—

(a) No wagering may be conducted using money or other negotiable currency. Games may only be played utilizing a wagering system whereby all players’ money is first converted by the house to tokens or chips which shall be used for wagering only at that specific cardroom.

(b) The winnings of any player in a single round, hand, or game may not exceed \$10 in value. The fee charged by the cardroom for participation in the game shall not be included in the calculation of the limitation on the pot size provided in this paragraph.

And the title is amended as follows:

On page 2, lines 7 and 8, delete those lines

On motion by Senator Wasserman Schultz, **CS for SB 160** as amended was passed and certified to the House. The vote on passage was:

Yeas—21

Campbell	Jones	Pruitt
Crist	King	Rossin
Dawson	Klein	Sanderson
Diaz de la Portilla	Lawson	Sebesta
Dyer	Lee	Silver
Garcia	Meek	Villalobos
Geller	Miller	Wasserman Schultz

Nays—13

Carlton	Laurent	Smith
Clary	Mitchell	Sullivan
Constantine	Peaden	Webster
Cowin	Posey	Wise
Futch		

THE PRESIDENT PRESIDING

CS for SB 678—A bill to be entitled An act relating to pollution reduction; amending s. 403.067, F.S.; authorizing the development of interim measures or best-management practices for specified water bodies or segments for which total maximum daily loads or allocations have not yet been established; amending s. 403.121, F.S.; providing that a professional engineer is not the agent of an owner or tenant for purposes of enforcing penalties for unpermitted dredging or filling or mangrove trimming; amending s. 373.4595, F.S.; providing eligibility requirements for available grants from coordinating agencies; providing additional requirements for land application of domestic wastewater residuals and septage after a certain date; providing penalties for violations; providing an effective date.

—as amended February 27 was read the third time by title.

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

Amendment 1 (303952)—On page 9, lines 8-20, delete those lines and insert:

5. *Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce nutrient loadings or concentrations within a basin by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, increasing aquifer recharge, or protecting range and timberland from conversion to development are eligible for grants available under this section from the coordinating agencies. For projects of otherwise equal priority, funding priority will be given to those projects that make best use of the methods outlined above that involve public-private partnerships or that obtain federal match money. Grant applications may be submitted by any person or tribal entity, and eligible projects may include,*

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

Amendment 2 (393896)(with title amendment)—On page 12, between lines 18 and 19, insert:

Section 4. Subsection (9) of section 403.08725, Florida Statutes, is amended to read:

403.08725 Citrus juice processing facilities.—

(9) ENVIRONMENTAL PROTECTION AGENCY APPROVAL.—No later than February 1, 2001, the department shall submit this act to the United States Environmental Protection Agency as a revision of Florida's state implementation plan and as a revision of Florida's approved state Title V program. If the United States Environmental Protection Agency fails to approve this act as a revision of Florida's state implementation plan within 3 2 years after submittal, this act shall not apply with respect to construction requirements for facilities subject to regulation under the act, and the facilities subject to regulation thereunder must comply with all construction permitting requirements, including those for prevention of significant deterioration, and must make application for construction permits for any construction or modification at the facility which was not undertaken in compliance with all permitting requirements of Florida's state implementation plan, within 3 months thereafter. If the United States Environmental Protection Agency fails to approve this act as a revision of Florida's approved state Title V program within 3 2 years after submittal, this act shall not apply with respect to operation requirements, and all facilities subject to regulation under the act must immediately comply with all Title V program requirements and must make application for Title V operation permits within 3 months thereafter.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: amending s. 403.08725, F.S.; extending the time limit for approval by the United States Environmental Protection Agency of this section as being in compliance with specified federal requirements;

On motion by Senator Pruitt, **CS for SB 678** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Futch	Miller
Burt	Garcia	Mitchell
Campbell	Geller	Peaden
Carlton	Jones	Posey
Clary	King	Pruitt
Constantine	Klein	Rossin
Cowin	Latvala	Sanderson
Crist	Laurent	Saunders
Dawson	Lawson	Sebesta
Diaz de la Portilla	Lee	Silver
Dyer	Meek	Smith

Sullivan	Wasserman Schultz	Wise
Villalobos	Webster	

Nays—None

SB 348—A bill to be entitled An act relating to the placement of rip current warning signs; creating s. 380.275, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the placement of rip current warning signs; providing that the department shall direct and coordinate the program; requiring the development of a uniform rip current warning sign; authorizing the department to coordinate the distribution and erection of rip current warning signs; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

—as amended February 27 was read the third time by title.

On motion by Senator Futch, **SB 348** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Lee, Peaden

On motion by Senator Pruitt, by two-thirds vote **CS for HB 1085** was withdrawn from the Committees on Natural Resources; and Appropriations.

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

CS for HB 1085—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; authorizing dismissal of certain violations for failure to possess a boating safety identification card; authorizing a dismissal fee in certain circumstances; amending s. 370.25, F.S.; authorizing state universities to receive financial and technical assistance from the commission for the siting and development of artificial reefs; authorizing the commission to accept title to certain vessels on behalf of the state for use in the artificial reef program and to adopt rules regarding the transfer of such titles; amending s. 372.001, F.S.; revising and reorganizing definitions; creating s. 372.002, F.S.; providing legislative intent regarding the right to hunt, fish, and take game in the state; amending s. 372.105, F.S.; revising provisions relating to sources and uses of funds in the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; specifying distribution of certain funds in the Dedicated License Trust Fund; amending s. 372.16, F.S.; revising and reorganizing provisions relating to private game preserves and farms; creating s. 372.551, F.S.; authorizing the commission to establish processes and vendor fees for the sale of licenses and permits and the issuance of authorization numbers; requiring the use of competitive bidding procedures; amending s. 372.561, F.S.; revising provisions relating to issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting requirements related thereto; amending s. 372.561, F.S.; effective July 1, 2003; revising amounts tax collectors may retain for the sale of licenses and permits; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees and requirements; creating an exemption for commission employees in the performance of duties; creating an exemption for persons authorized by commission permit; amending s. 372.57,

F.S.; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; creating an annual gold sportsman's license; providing for pier licenses and recreational vessel licenses, and providing fees therefor; providing for snook permits and crawfish permits; providing permit fees and providing for the use of revenues therefrom; renumbering and amending s. 370.0608, F.S.; providing for the deposit of saltwater licenses and fees into the Marine Resources Conservation Trust Fund; revising purposes for which licenses and fees may be used; renumbering and amending s. 370.0609, F.S.; providing for the expenditure of funds through grants and contracts to specified research institutes; renumbering and amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collector's return of unissued tags; deleting provisions relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 372.574, F.S.; conforming subagent duties and reporting requirements; amending s. 372.574, F.S.; effective July 1, 2003; repealing tax collectors' authority to appoint subagents; clarifying the authority of the Fish and Wildlife Conservation Commission to select and appoint subagents; amending s. 372.661, F.S.; clarifying provisions relating to private hunting preserves; correcting a cross reference; amending s. 372.711, F.S.; providing for dismissal of violations of license or permit possession requirements under certain conditions; authorizing a dismissal fee under certain conditions; reenacting ss. 372.711(1) and 372.83(1)(h), F.S.; reenacting provisions referencing penalties for violations of hunting, fishing, and trapping license and permit requirements; amending s. 372.921, F.S.; including amphibians in provisions relating to exhibition of wildlife; providing rulemaking authority; providing a penalty; amending s. 372.922, F.S.; clarifying classifications of types of wildlife; requiring a permit for personal possession; providing a fee exemption for personal possession of wildlife by an exhibitor or seller; amending s. 705.101, F.S.; including derelict vessels within the definition of "abandoned property"; amending ss. 212.06, 215.20, 370.0603, 370.063, 372.571, 372.5712, 372.5715, 372.5717, 372.573, 372.65, 372.7015, 372.7016, and 810.09, F.S.; correcting cross references; deleting obsolete language; repealing s. 370.0605, F.S., relating to saltwater fishing licenses and fees; repealing s. 370.0615, F.S., relating to lifetime saltwater fishing licenses; repealing s. 370.1111, F.S., relating to snook fishing permits; repealing s. 370.14(10) and (11), F.S., relating to recreational crawfish taking permits and issuance of a crawfish stamp; repealing s. 372.05(4), F.S., relating to duties of the executive director of the commission; repealing s. 372.06, F.S., relating to meetings of the commission; amending s. 372.27, F.S.; authorizing persons to fish in a portion of the Rainbow River; providing an exception for a portion of the Rainbow River within the Rainbow Springs State Park; repealing s. 372.60, F.S.; effective July 1, 2003; relating to the issuance of replacement licenses; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 354** as amended and by two-thirds vote read the second time by title. On motion by Senator Pruitt, by two-thirds vote **CS for HB 1085** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Geller	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
Dyer	Mitchell	Webster
Futch	Peaden	Wise
Garcia	Posey	

Nays—None

SB 1128—A bill to be entitled An act relating to the Florida Retirement System; amending ss. 121.021, 121.0515, F.S.; including certain members employed as Federal Aviation Administration-licensed pilots

authorized to provide mosquito control services in the special risk class; providing exceptions; providing an effective date.

—as amended February 27 was read the third time by title.

On motion by Senator Saunders, **SB 1128** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	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
Dyer	Mitchell	Webster
Futch	Peaden	Wise
Garcia	Posey	
Geller	Pruitt	

Nays—None

Vote after roll call:

Yea—Burt

CS for SB 1246—A bill to be entitled An act relating to continuing care retirement communities; amending s. 651.015, F.S.; authorizing the Department of Insurance to accept certain documents and information relating to continuing care contracts electronically or by facsimile; authorizing the department to adopt rules; amending s. 651.035, F.S.; revising minimum liquid reserve requirements for continuing care providers; amending s. 651.118, F.S.; authorizing certain sharing of facilities and services between sheltered beds used for extended congregate care and nursing home beds in a continuing care facility; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for SB 1246** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 2004—A bill to be entitled An act relating to condominiums; creating s. 718.701, F.S.; providing definitions; creating s. 718.702, F.S.; providing for master association meetings; requiring certain notices; establishing meeting rules; creating s. 718.703, F.S.; providing powers of the Division of Florida Land Sales, Condominiums, and Mobile Homes over master associations; creating s. 718.704, F.S.; requiring master associations to provide certain financial records or statements; providing an effective date.

—as amended February 27 was read the third time by title.

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

Amendment 1 (970184)—On page 2, line 6, after “721.03” insert: , or any entity governed under chapter 720, until control of the association has been relinquished by the developer

On motion by Senator Campbell, **CS for SB 2004** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Burt, Dyer, Meek

CS for SB 1362—A bill to be entitled An act relating to insurance; amending s. 627.7295, F.S.; clarifying an exception; providing an additional exception to a requirement that a minimum of 2 months’ premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for SB 1362** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 1126—A bill to be entitled An act relating to property insurance plans; creating the Insurance Policy Holder Protection Act; amending ss. 627.351, 627.3511, F.S.; revising certain agent commission payment and policy servicing procedures and requirements; adding an area eligible for coverage from the Florida Windstorm Underwriting Association; creating s. 627.3517, F.S.; preserving a policyholder’s right to select and maintain certain agents; authorizing the Department of Insurance to adopt rules to preserve such right; providing application; providing an effective date.

—was read the third time by title.

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

Yeas—37

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

Nays—None

CS for CS for SB 108—A bill to be entitled An act relating to workers’ compensation; amending s. 440.091, F.S.; specifying circumstances under which firefighters, emergency medical technicians, and paramedics are considered to be acting within the scope of their employment so as to qualify for workers’ compensation benefits; providing a declaration of important state interest; providing an effective date.

—as amended February 27 was read the third time by title.

On motion by Senator Smith, **CS for CS for SB 108** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 688—A bill to be entitled An act relating to the Spaceport Florida Authority; amending ss. 74.011, 196.012, 212.02, 288.063, 288.075, 288.35, 288.9415, 288.9515, 330.30, 331.301, 331.302, F.S.; changing the name of the Spaceport Florida Authority to the Florida Space Authority; amending s. 331.303, F.S.; defining the term “Spaceport Florida”; conforming provisions to the name change; amending s. 331.304, F.S.; naming certain spaceport territory; revising the boundaries of spaceport territory; amending s. 331.308, F.S.; conforming provisions to the name change; revising membership of and procedures related to the board of supervisors; designating the Lieutenant Governor as the chair of the board of supervisors and as the state’s space policy leader; amending s. 331.3101, F.S.; conforming provisions to the name change; amending s. 331.349, F.S.; changing the fiscal year of the authority; amending s. 331.360, F.S.; conforming provisions to the name change; conforming a cross-reference; amending s. 331.367, F.S.; revising the membership, mission, administration, and reporting requirements of the Spaceport Management Council and its executive board; amending ss. 331.368, 331.405, 331.411, 339.137, 339.175, 768.28, F.S.; conforming provisions to the name change; deleting obsolete provisions; providing effective dates.

—as amended February 27 was read the third time by title.

Senator Futch moved the following amendment:

Amendment 1 (815118)—On page 11, line 27 through page 14, line 3, delete those lines and insert:

Section 14. Section 331.308, Florida Statutes, is amended to read:

331.308 Board of supervisors.—

(1) There is created within the ~~Spaceport~~ Florida Space Authority a board of supervisors consisting of ~~eight seven~~ regular members, who shall be appointed by the Governor, and two ex officio nonvoting members, one of whom shall be a state senator selected by the President of the Senate and one of whom shall be a state representative selected by the Speaker of the House of Representatives. *The Lieutenant Governor, who is the state's space policy leader, shall serve as chair of the board of supervisors, and shall cast the deciding vote if the votes of the eight regular members result in a tie. All regular members shall be subject to confirmation by the Senate at the next regular session of the Legislature. Existing board members are not prohibited from reappointment, all of whom shall be subject to confirmation by the Senate at the next regular session of the Legislature.* Each of the regular board members must be a resident of the state and must have experience in the aerospace or commercial space industry or in finance or have other significant relevant experience. *A private-sector legal entity may not have more than one person serving on the board at any one time. One regular member shall represent organized labor interests, and one regular member shall represent minority interests, and four regular members must represent space industry, at least one of whom must also be from a small business, as defined in s. 388.703. For the purpose of this section, "space industry" includes private sector entities engaged in space flight business, as defined in s. 212.031, research and technology development of space-based products and services, space station commercialization, development of spaceport and range technology, remote sensing products and services, space biotechnology, measurement and calibration of space assets, space related software and information technology development, design and architecture of space-based assets and facilities for manufacturing and other purposes, space-related nano-technology, space tourism, and other commercial enterprises utilizing uniquely space-based capabilities.*

(2) Each regular member shall serve a term of 4 years or until a successor is appointed and qualified. The term of each such member shall be construed to commence on the date of appointment and to terminate on June 30 of the year of the end of the term. Appointment to the board shall not preclude any such member from holding any other private or public position.

(3) The ex officio nonvoting legislative members shall serve on the board for 2-year terms.

(4) Any vacancy on the board shall be filled for the balance of the unexpired term.

(5) *This act does not affect the terms or conditions of current members of the board, but applies to any vacancy that occurs on or after the effective date of this act. Appointments to the board shall give effect to this act as soon as practicable. Vacancies created by or occurring subsequent to the passage of this act shall be filled by representatives of the space industry, as provided herein, until the composition of the board is in compliance with the provisions of subsection (1). Initial appointments shall be made no later than 60 days after this act takes effect.*

(6) The board shall hold its initial meeting no later than 20 days after the members have been appointed. At its initial meeting, or as soon thereafter as is practicable, the board shall appoint an executive director. Meetings shall be held quarterly or more frequently at the call of the chair. A majority of the regular members of the board shall constitute a quorum, and a majority vote of such members present is necessary for any action taken by the board.

(7) The Governor has the authority to remove from the board any regular member in the manner and for cause as defined by the laws of this state and applicable to situations which may arise before the board. Unless excused by the chair of the board, a regular member's absence from two or more consecutive board meetings creates a vacancy in the office to which the member was appointed.

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

Amendment 1A (643406)—On page 2, line 13, delete "s. 388.703" and insert: s. 288.703

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

On motions by Senator Futch, **CS for SB 688** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 1058—A bill to be entitled An act relating to consolidated governments; amending s. 175.041, F.S.; specifying application to certain consolidated governments; requiring notice of levy; authorizing distribution of tax proceeds; amending s. 175.101, F.S.; including certain consolidated governments under provisions authorizing imposition of a state excise tax on property insurance premiums covering certain property for certain purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 1058** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Posey

Consideration of the following Claims Bills was deferred: **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 and SB 74.**

SPECIAL ORDER CALENDAR

On motion by Senator Pruitt—

CS for SB 88—A bill to be entitled An act relating to prevention and amelioration of learning problems and learning disabilities in young children; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the

steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 88** was placed on the calendar of Bills on Third Reading.

SENATOR WASSERMAN SCHULTZ PRESIDING

On motion by Senator Pruitt—

SB 86—A bill to be entitled An act relating to public records; providing an exemption from the public records law for individual records of children enrolled in Learning Gateway programs; providing for the release of such records for specified purposes; exempting from the public records law those records held by a Learning Gateway Program which would be confidential if held by a state agency; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

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

Amendment 1 (710830)—On page 2, delete line 8 and insert: *Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official*

Pursuant to Rule 4.19, **SB 86** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1496—A bill to be entitled An act relating to nursing training programs; amending s. 464.019, F.S.; revising provisions governing approval of training programs by the Board of Nursing; providing for the adoption of rules; exempting certain programs from board oversight; providing for the review of certain substandard programs; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (062300)—On page 2, lines 5-30, delete those lines and insert:

(2) The board shall adopt rules regarding educational objectives, ~~faculty qualifications, curriculum guidelines, administrative procedures, and clinical training~~ as are necessary to ensure that approved programs graduate nurses capable of competent practice under this part. *The rules must consider student attrition rate standards and retention of qualified faculty and shall establish thresholds to serve as indicators of successful program performance.*

(3) The department shall survey each institution applying for approval and submit its findings to the board. If the board is satisfied that the program meets the requirements of this part and rules pursuant thereto, it shall certify the program for approval and the department shall approve the program.

(4) *Any fully approved nursing program that maintains accreditation through a nursing accrediting body recognized by the United States Department of Education is exempt from review by the board if it maintains a student pass rate on the National Clinical Licensure Exam of not less than 10 percentage points below the national average pass rate, as reported annually by the National Council of State Boards of Nursing.*

(5) *If an institution's rate drops below the standard established in subsection (4) for 2 consecutive years, the*

Pursuant to Rule 4.19, **CS for SB 1496** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

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 organization 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.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (564090)—On page 16, lines 7 and 13, after “mandatory entries” insert: *completed*

Amendment 2 (421980)—On page 16, line 4 through page 23, line 31, delete those lines and insert:

(1)(a) As used in this section, the term “~~clean~~ claim” for a noninstitutional provider means a paper or electronic billing instrument submitted to the health maintenance organization’s designated location which consists of the HCFA 1500 data set, or its successor, having all mandatory entries for a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461 or other appropriate billing instrument that has all mandatory entries for any other noninstitutional provider. For institutional providers, “claim” means a paper or electronic billing instrument submitted to the insurer’s designated location which consists of the UB-92 data set, or its successor, having all mandatory entries. ~~claim submitted on a HCFA 1500 form which has no defect or impropriety, including lack of required substantiating documentation for noncontracted providers and suppliers, or particular circumstances requiring special treatment which prevent timely payment from being made on the claim. A claim may not be considered not clean solely because a health maintenance organization refers the claim to a medical specialist within~~

the health maintenance organization for examination. If additional substantiating documentation, such as the medical record or encounter data, is required from a source outside the health maintenance organization, the claim is considered not clean. This definition of "clean claim" is repealed on the effective date of rules adopted by the department which define the term "clean claim."

(b) Absent a written definition that is agreed upon through contract, the term "clean claim" for an institutional claim is a properly and accurately completed paper or electronic billing instrument that consists of the UB-92 data set or its successor with entries stated as mandatory by the National Uniform Billing Committee.

(c) The department shall adopt rules to establish claim forms consistent with federal claim filing standards for health maintenance organizations required by the federal Health Care Financing Administration. The department may adopt rules relating to coding standards consistent with Medicare coding standards adopted by the federal Health Care Financing Administration.

(2) All claims for payment, whether electronic or nonelectronic:

(a) Are considered received on the date the claim is received by the organization at its designated claims receipt location.

(b) Must not duplicate a claim previously submitted unless it is determined that the original claim was not received or is otherwise lost. (a) A health maintenance organization shall pay any clean claim or any portion of a clean claim made by a contract provider for services or goods provided under a contract with the health maintenance organization or a clean claim made by a noncontract provider which the organization does not contest or deny within 35 days after receipt of the claim by the health maintenance organization which is mailed or electronically transferred by the provider.

(b) A health maintenance organization that denies or contests a provider's claim or any portion of a claim shall notify the provider, in writing, within 35 days after the health maintenance organization receives the claim that the claim is contested or denied. The notice that the claim is denied or contested must identify the contested portion of the claim and the specific reason for contesting or denying the claim, and, if contested, must include a request for additional information. If the provider submits additional information, the provider must, within 35 days after receipt of the request, mail or electronically transfer the information to the health maintenance organization. The health maintenance organization shall pay or deny the claim or portion of the claim within 45 days after receipt of the information.

(3)(a) For an electronically submitted claim, a health maintenance organization shall, within 24 hours after the beginning of the next business day after receipt of the claim, provide electronic acknowledgement of the receipt of the claim to the electronic source submitting the claim.

(b) For an electronically submitted claim, a health maintenance organization shall, within 20 days after receipt of the claim, pay the claim or notify a provider if a claim is denied or contested. Notice of the organization's action on the claim and payment of the claim are considered to be made on the date the notice or payment is mailed or electronically transferred.

(c)1. Notification of the health maintenance organization's determination of a contested claim must be accompanied by an itemized list of additional information or documents the organization can reasonably determine are necessary to process the claim.

2. A provider must submit the additional information or documentation, as specified on the itemized list, within 35 days after receipt of the notification. Failure of a provider to submit by mail or electronically the additional information or documentation requested within 35 days after receipt of the notification may result in denial of the claim.

3. A health maintenance organization may not make more than one request for documents under this paragraph in connection with a claim unless the provider fails to submit all of the requested documents to process the claim or the documents submitted by the provider raise new, additional issues not included in the original written itemization, in which case the organization may provide the provider with one additional opportunity to submit the additional documents needed to process the claim. In no case may the organization request duplicate documents.

(d) For purposes of this subsection, electronic means of transmission of claims, notices, documents, forms, and payment shall be used to the greatest extent possible by the health maintenance organization and the provider.

(e) A claim must be paid or denied within 90 days after receipt of the claim. Failure to pay or deny a claim within 120 days after receipt of the claim creates an uncontestable obligation to pay the claim. Payment of a claim is considered made on the date the payment was received or electronically transferred or otherwise delivered. An overdue payment of a claim bears simple interest at the rate of 10 percent per year. Interest on an overdue payment for a clean claim or for any uncontested portion of a clean claim begins to accrue on the 36th day after the claim has been received. The interest is payable with the payment of the claim.

(4)(a) For all nonelectronically submitted claims, a health maintenance organization shall, effective November 1, 2003, provide to the provider acknowledgement of receipt of the claim within 15 days after receipt of the claim or provide the provider, within 15 days after receipt, with electronic access to the status of a submitted claim.

(b) For all nonelectronically submitted claims, a health maintenance organization shall, within 40 days after receipt of the claim, pay the claim or notify a provider if a claim is denied or contested. Notice of the organization's action on the claim and payment of the claim are considered to be made on the date the notice or payment is mailed or electronically transferred.

(c)1. Notification of the health maintenance organization's determination of a contested claim must be accompanied by an itemized list of additional information or documents the organization can reasonably determine are necessary to process the claim.

2. A provider must submit the additional information or documentation, as specified on the itemized list, within 35 days after receipt of the notification. Failure of a provider to submit by mail or electronically the additional information or documentation requested within 35 days after receipt of the notification may result in denial of the claim.

3. A health maintenance organization may not make more than one request for documents under this paragraph in connection with a claim unless the provider fails to submit all of the requested documents to process the claim or the documents submitted by the provider raise new, additional issues not included in the original written itemization, in which case the organization may provide the provider with one additional opportunity to submit the additional documents needed to process the claim. In no case may the health maintenance organization request duplicate documents.

(d) For purposes of this subsection, electronic means of transmission of claims, notices, documents, forms, and payment shall be used to the greatest extent possible by the health maintenance organization and the provider.

(e) A claim must be paid or denied within 120 days after receipt of the claim. Failure to pay or deny a claim within 140 days after receipt of the claim creates an uncontestable obligation to pay the claim. A health maintenance organization shall pay or deny any claim no later than 120 days after receiving the claim. Failure to do so creates an uncontestable obligation for the health maintenance organization to pay the claim to the provider.

(5) Payment of a claim is considered made on the date the payment is mailed or electronically transferred. An overdue payment of a claim bears simple interest of 12 percent per year. Interest on an overdue payment for a claim or for any portion of a claim begins to accrue when the claim should have been paid, denied, or contested. The interest is payable with the payment of the claim.

(6)(a)(5)(a) If, as a result of retroactive review of coverage decisions or payment levels, a health maintenance organization determines that it has made an overpayment to a provider for services rendered to a subscriber, the organization must make a claim for such overpayment. The organization may not reduce payment to that provider for other services unless the provider agrees to the reduction in writing after receipt of the claim for overpayment from the health maintenance organization or fails to respond to the organization's claim as required in this subsection.

(b) A provider shall pay a claim for an overpayment made by a health maintenance organization which the provider does not contest or deny within 35 days after receipt of the claim that is mailed or electronically transferred to the provider.

(c) A provider that denies or contests an organization's claim for overpayment or any portion of a claim shall notify the organization, in writing, within 35 days after the provider receives the claim that the claim for overpayment is contested or denied. The notice that the claim for overpayment is denied or contested must identify the contested portion of the claim and the specific reason for contesting or denying the claim, and, if contested, must include a request for additional information. If the organization submits additional information, the organization must, within 35 days after receipt of the request, mail or electronically transfer the information to the provider. The provider shall pay or deny the claim for overpayment within 45 days after receipt of the information.

(d) Payment of a claim for overpayment is considered made on the date payment was received or electronically transferred or otherwise delivered to the organization, or the date that the provider receives a payment from the organization that reduces or deducts the overpayment. An overdue payment of a claim bears simple interest at the rate of 12 ~~10~~ percent a year. Interest on an overdue payment of a claim for overpayment or for any uncontested portion of a claim for overpayment begins to accrue on the 36th day after the claim for overpayment has been received.

(e) A provider shall pay or deny any claim for overpayment no later than 120 days after receiving the claim. Failure to do so creates an uncontestable obligation for the provider to pay the claim to the organization.

(7)(6) Any retroactive reductions of payments or demands for refund of previous overpayments which are due to retroactive review-of-coverage decisions or payment levels must be reconciled to specific claims unless the parties agree to other reconciliation methods and terms. Any retroactive demands by providers for payment due to underpayments or nonpayments for covered services must be reconciled to specific claims unless the parties agree to other reconciliation methods and terms. *The look-back or audit-review period shall not exceed 2 years after the date the claim was paid by the health maintenance organization, unless fraud in billing is involved. The look-back period may be specified by the terms of the contract.*

(8)(a)(7)(a) A provider claim for payment shall be considered received by the health maintenance organization, if the claim has been electronically transmitted to the health maintenance organization, when receipt is verified electronically or, if the claim is mailed to the address disclosed by the organization, on the date indicated on the return receipt, or on the date the delivery receipt is signed by the health maintenance organization if the claim is hand delivered. A provider must wait 45 days following receipt of a claim before submitting a duplicate claim.

(b) A health maintenance organization claim for overpayment shall be considered received by a provider, if the claim has been electronically transmitted to the provider, when receipt is verified electronically or, if the claim is mailed to the address disclosed by the provider, on the date indicated on the return receipt. An organization must wait 45 days following the provider's receipt of a claim for overpayment before submitting a duplicate claim.

(c) This section does not preclude the health maintenance organization and provider from agreeing to other methods of ~~submission trans-~~mission and receipt of claims.

(9)(8) A provider, or the provider's designee, who bills electronically is entitled to electronic acknowledgment of the receipt of a claim within 72 hours.

(10)(9) A health maintenance organization may not ~~retroactively~~ deny a claim because of subscriber ineligibility *if the provider can document receipt of subscriber eligibility confirmation by the organization prior to the date or time covered services were provided. Every health maintenance organization contract with an employer shall include a provision that requires the employer to notify the health maintenance organization of changes in eligibility status within 30 days more than 1*

~~year after the date of payment of the clean claim. Any person who knowingly misinforms a provider prior to the receipt of services as to his or her coverage eligibility commits insurance fraud punishable as provided in s. 817.50.~~

(11)(10) A health maintenance organization shall pay a contracted primary care or admitting physician, pursuant to such physician's contract, for providing inpatient services in a contracted hospital to a subscriber, if such services are determined by the organization to be medically necessary and covered services under the organization's contract with the contract holder.

(12)(a) *Without regard to any other remedy or relief to which a person is entitled, or obligated to under contract, anyone aggrieved by a violation of this section may bring an action to obtain a declaratory judgment that an act or practice violates this section and to enjoin a person who has violated, is violating, or is otherwise likely to violate this section.*

(b) *In any action brought by a person who has suffered a loss as a result of a violation of this section, such person may recover any amounts due the person under this section, including accrued interest, plus attorney's fees and court costs as provided in paragraph (c).*

(c) *In any civil litigation resulting from an act or practice involving a violation of this section by a health maintenance organization in which the organization is found to have violated this section, the provider, after judgment in the trial court and after exhausting all appeals, if any, shall receive his or her attorney's fees and costs from the organization; however, such fees shall not exceed three times the amount in controversy or \$5,000, whichever is greater. In any such civil litigation, if the organization is found not to have violated this section, the organization, after judgment in the trial court and exhaustion of all appeals, if any, may receive its reasonable attorney's fees and costs from the provider on any claim or defense that the court finds the provider knew or should have known was not supported by the material facts necessary to establish the claim or defense or would not be supported by the application of then-existing law as to those material facts.*

(d) *The attorney for the prevailing party shall submit a sworn affidavit of his or her time spent on the case and his or her costs incurred for all the motions, hearings, and appeals to the trial judge who presided over the civil case.*

(e) *Any award of attorney's fees or costs shall become a part of the judgment and subject to execution as the law allows.*

(13) *A health maintenance organization subscriber is entitled to prompt payment from the organization whenever a subscriber pays an out-of-network provider for a covered service and then submits a claim to the organization. The organization shall pay the claim within 35 days after receipt or the organization shall advise the subscriber of what additional information is required to adjudicate the claim. After receipt of the additional information, the organization shall pay the claim within 10 days. If the organization fails to pay claims submitted by subscribers within the time periods specified in this subsection, the organization shall pay the subscriber interest on the unpaid claim at the rate of 12 percent per year. Failure to pay claims and interest, if applicable, within the time periods specified in this subsection is a violation of the insurance code and each occurrence shall be considered a separate violation.*

(14) *The provisions of this section may not be waived, voided, or nullified by contract.*

Amendment 3 (281204)—On page 5, line 10 through page 6, line 19, delete those lines and insert:

(2) *As used in this section, the term "claim" for a noninstitutional provider means a paper or electronic billing instrument submitted to the insurer's designated location which consists of the HCFA 1500 data set, or its successor, which has all mandatory entries for a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461 or other appropriate billing instrument that has all mandatory entries for any other noninstitutional provider. For institutional providers, "claim" means a paper or electronic billing instrument submitted to the insurer's designated location which consists of the UB-92 data set or its successor having all mandatory entries. Health insurers shall reimburse all claims or any portion of any claim from an insured or an insured's assignees, for payment under a health insurance policy, within 45 days after receipt of the claim by the health insurer. If a claim or a portion of a claim*

is contested by the health insurer, the insured or the insured's assignees shall be notified, in writing, that the claim is contested or denied, within 45 days after receipt of the claim by the health insurer. The notice that a claim is contested shall identify the contested portion of the claim and the reasons for contesting the claim.

(3) All claims for payment, whether electronic or nonelectronic:

(a) Are considered received on the date the claim is received by the insurer at its designated claims receipt location.

(b) Must not duplicate a claim previously submitted unless it is determined that the original claim was not received or is otherwise lost. A health insurer, upon receipt of the additional information requested from the insured or the insured's assignees shall pay or deny the contested claim or portion of the contested claim, within 60 days.

(4)(a) For an electronically submitted claim, a health insurer shall, within 24 hours after the beginning of the next business day after receipt of the claim, provide electronic acknowledgement of the receipt of the claim to the electronic source submitting the claim.

(b) For an electronically submitted claim, a health insurer shall, within 20 days after receipt of the claim, pay the claim or notify a provider or designee if a claim is denied or contested. Notice of the insurer's action on the claim and payment of the claim is considered to be made on the date the notice or payment is mailed or electronically transferred.

(c)1. Notification of the health insurer's determination of a contested claim must be accompanied by an itemized list of additional information or documents the insurer can reasonably determine are necessary to process the claim.

2. A provider must submit the additional information or documentation, as specified on the itemized list, within 35 days after receipt of the notification. Failure of a provider to submit by mail or electronically the additional information or documentation requested within 35 days after receipt of the notification may result in denial of the claim.

3. A health insurer may not make more than one request for documents under this paragraph in connection with a claim unless the provider fails to submit all of the requested documents to process the claim or the documents submitted by the provider raise new, additional issues not included in the original written itemization, in which case the health insurer may provide the provider with one additional opportunity to submit the additional documents needed to process the claim. In no case may the health insurer request duplicate documents.

(d) For purposes of this subsection, electronic means of transmission of claims, notices, documents, forms, and payment shall be used to the greatest extent possible by the health insurer and the provider.

(e) A claim must be paid or denied within 90 days after receipt of the claim. Failure to pay or deny a claim within 120 days after receipt of the claim creates an uncontestable obligation to pay the claim. An insurer shall pay or deny any claim no later than 120 days after receiving the claim.

(5)(a) For all nonelectronically submitted claims, a health insurer shall, effective November 1, 2003, provide to the provider acknowledgement of receipt of the claim within 15 days after receipt of the claim or provide the provider, within 15 days after receipt, with electronic access to the status of a submitted claim.

(b) For all nonelectronically submitted claims, a health insurer shall, within 40 days after receipt of the claim, pay the claim or notify a provider or designee if a claim is denied or contested. Notice of the insurer's action on the claim and payment of the claim are considered to be made on the date the notice or payment was mailed or electronically transferred.

(c)1. Notification of the health insurer's determination of a contested claim must be accompanied by an itemized list of additional information or documents the insurer can reasonably determine are necessary to process the claim.

2. A provider must submit the additional information or documentation, as specified on the itemized list, within 35 days after receipt of the notification. Failure of a provider to submit by mail or electronically the

additional information or documentation requested within 35 days after receipt of the notification may result in denial of the claim.

3. A health insurer may not make more than one request for documents under this paragraph in connection with a claim unless the provider fails to submit all of the requested documents to process the claim or the documents submitted by the provider raise new, additional issues not included in the original written itemization, in which case the health insurer may provide the provider with one additional opportunity to submit the additional documents needed to process the claim. In no case may the health insurer request duplicate documents.

(d) For purposes of this subsection, electronic means of transmission of claims, notices, documents, forms, and payment shall be used to the greatest extent possible by the health insurer and the provider.

(e) A claim must be paid or denied within 120 days after receipt of the claim. Failure to pay or deny a claim within 140 days after receipt of the claim creates an uncontestable obligation to pay the claim. Payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if not so posted, on the date of delivery.

(6) Payment of a claim is considered made on the date the payment is mailed or electronically transferred. An overdue payment of a claim bears simple interest of 12 percent per year. Interest on an overdue payment for a claim or for any portion of a claim begins to accrue when the claim should have been paid, denied, or contested. The interest is payable with the payment of the claim. All overdue payments shall bear simple interest at the rate of 10 percent per year.

Senator Pruitt moved the following amendments which were adopted:

Amendment 4 (794346)(with title amendment)—On page 31, before line 1, insert:

Section 13. Subsection (12) of section 641.51, Florida Statutes, is amended to read:

641.51 Quality assurance program; second medical opinion requirement.—

(12) If a contracted primary care physician, licensed under chapter 458 or chapter 459, determines and the organization determine that a subscriber requires examination by a licensed ophthalmologist for medically necessary, contractually covered services, then the organization shall authorize the contracted primary care physician to send the subscriber to a contracted licensed ophthalmologist.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 6, after the second semicolon (;) insert: amending s. 641.51, F.S.; revising provisions governing examinations by ophthalmologists;

Amendment 5 (363088)(with title amendment)—On page 15, between lines 24 and 25, insert:

Section 8. Subsection (4) is added to section 641.234, Florida Statutes, to read:

641.234 Administrative, provider, and management contracts.—

(4)(a) If a health maintenance organization, through a health care risk contract, transfers to any entity the obligations to pay any provider for any claims arising from services provided to or for the benefit of any subscriber of the organization, the health maintenance organization shall remain responsible for any violations of ss. 641.3155, 641.3156, and 641.51(4). The provisions of ss. 624.418-624.4211 and 641.52 shall apply to any such violations.

(b) As used in this subsection:

1. The term "health care risk contract" means a contract under which an entity receives compensation in exchange for providing to the health maintenance organization a provider network or other services, which may include administrative services.

2. The term "entity" does not include any provider or group practice, as defined in s. 456.053, providing services under the scope of the license of the provider or the members of the group practice.

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: amending s. 641.234, F.S.; providing that health maintenance organizations remain liable for certain violations that occur after the transfer of certain financial obligations through health care risk contracts;

Pursuant to Rule 4.19, **CS for CS for SB 362** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

CS for SB 2102—A bill to be entitled An act relating to motor vehicle service agreements; amending s. 634.011, F.S.; revising the definition of the term "motor vehicle service agreement" to include contracts covering vehicle-protection products; defining the terms "vehicle-protection expenses" and "vehicle-protection product"; amending s. 634.041, F.S.; redefining the term "corporation", requiring service agreement companies to maintain contractual liability insurance and limiting those to whom vehicle protection products may be sold; amending s. 634.121, F.S.; providing service agreement form requirements; amending s. 634.191, F.S.; revising the definition of unfair competition or unfair or deceptive acts or practices for purposes of disciplinary actions against salespersons; providing an effective date.

—was read the second time by title.

Senator Villalobos moved the following amendment which was adopted:

Amendment 1 (440546)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) of section 634.011, Florida Statutes, is amended to read:

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

(8) "Motor vehicle service agreement" or "service agreement" means any contract or agreement indemnifying the service agreement holder for the motor vehicle listed on the service agreement and arising out of the ownership, operation, and use of the motor vehicle against loss caused by failure of any mechanical or other component part, or any mechanical or other component part that does not function as it was originally intended; however, nothing in this part shall prohibit or affect the giving, free of charge, of the usual performance guarantees by manufacturers or dealers in connection with the sale of motor vehicles; ~~and provided further, however, Transactions exempt under s. 624.125 are shall be~~ expressly excluded from this definition and are exempt from the provisions of this part. The term "motor vehicle service agreement" includes any contract or agreement ~~that which~~ provides:

(a) For the coverage or protection defined in this subsection and which is issued or provided in conjunction with an additive product applied to the motor vehicle ~~that which~~ is the subject of such contract or agreement; or

(b) For payment of vehicle protection expenses.

1.a. "Vehicle protection expenses" means expenses incurred by the service agreement holder for loss or damage to a covered vehicle, including, but not limited to, applicable deductibles under a motor vehicle insurance policy; temporary vehicle rental expenses; expenses for a replacement vehicle that is at least the same year, make, and model of the stolen motor vehicle; sales taxes or registration fees for a replacement vehicle that is at least the same year, make, and model of the stolen vehicle; or other incidental expenses specified in the agreement.

b. "Vehicle protection product" means a product or system installed or applied to a motor vehicle or designed to prevent the theft of the motor vehicle or assist in the recovery of the stolen motor vehicle.

2. Vehicle protection expenses shall be payable in the event of loss or damage to the vehicle as a result of the failure of the vehicle protection

product to prevent the theft of the motor vehicle or to assist in the recovery of the stolen motor vehicle. Vehicle protection expenses covered under the agreement shall be clearly stated in the service agreement form.

3. Motor vehicle service agreements providing for the payment of vehicle protection expenses shall:

a. Reimburse a service agreement holder for the following expenses, at a minimum: deductibles applicable to comprehensive coverage under the service agreement holder's motor vehicle insurance policy; temporary vehicle rental expenses; sales taxes and registration fees on a replacement vehicle that is at least the same year, make, and model of the stolen motor vehicle; and the difference between the benefits paid to the service agreement holder for the stolen vehicle under the service agreement holder's comprehensive coverage and the actual cost of a replacement vehicle that is at least the same year, make, and model of the stolen motor vehicle; or

b. Pay a preestablished flat amount to the service agreement holder.

Payments shall not duplicate any benefits or expenses paid to the service agreement holder by the insurer providing comprehensive coverage under a motor vehicle insurance policy covering the stolen motor vehicle.

Section 2. Subsection (1) of section 634.041, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

634.041 Qualifications for license.—To qualify for and hold a license to issue service agreements in this state, a service agreement company must be in compliance with this part, with applicable rules of the department, with related sections of the Florida Insurance Code, and with its charter powers and must comply with the following:

(1) Any service agreement company applying for a license must be a solvent corporation formed under the laws of this state or of another state or district of the United States and must meet minimum requirements under this section.

(11) A service agreement company offering service agreements providing vehicle protection expenses may meet the requirements for this part only by maintaining contractual liability insurance in accordance with paragraph (8)(b), which insurance must be issued by an insurance company not affiliated with the service agreement company, unless the insurance company had issued a contractual liability insurance policy to a service agreement company on or before January 1, 2002. Service agreements providing vehicle protection expenses may be sold only to a service agreement holder that has in-force comprehensive motor vehicle insurance coverage for the vehicle to be covered by the service agreement.

Section 3. Paragraph (c) is added to subsection (1) of section 634.121, Florida Statutes, to read:

634.121 Filing of forms, required procedures, provisions.—

(1) A service agreement form or related form may not be issued or used in this state unless it has been filed with and approved by the department. Upon application for a license, the department shall require the applicant to submit for approval each brochure, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution. The department shall disapprove any document which is untrue, deceptive, or misleading or which contains misrepresentations or omissions of material facts.

(c) The department shall disapprove any service agreement form providing vehicle protection expenses which does not clearly indicate the method for calculating the benefit to be paid or provided to the service agreement holder. All service agreement forms providing vehicle protection expenses shall clearly indicate the term of the service agreement, whether new or used cars are eligible for the vehicle protection product, and that the service agreement holder may not make any claim against the Florida Insurance Guarantee Association for vehicle protection expenses. The service agreement shall be provided to a service agreement holder on a form that provides only vehicle protection expenses. A service agreement form providing vehicle protection expenses must state that the service agreement holder must have in force at the time of loss comprehensive motor vehicle insurance coverage as a condition precedent to requesting payment of vehicle protection expenses.

Section 4. Subsection (5) of section 634.191, Florida Statutes, is amended to read:

634.191 Grounds for discretionary refusal, suspension, or revocation of license or appointment of salespersons.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the license or appointment of any salesperson if it finds that as to the salesperson any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 634.181:

(5) If, in the conduct of business under the license or appointment, the salesperson has engaged in unfair methods of competition or in unfair or deceptive acts or practices, as such methods, acts, or practices are or may be defined under *this part IX of chapter 626*, or has otherwise shown herself or himself to be a source of injury or loss to the public or detrimental to the public interest.

Section 5. Subsection (7) of section 634.406, Florida Statutes, is amended to read:

634.406 Financial requirements.—

(7) The department shall require that a contractual liability policy insure 100 percent of an association's claims exposure under all of the association's service warranty contracts, wherever written, unless all of the following are satisfied:

(a) The contractual liability policy contains a clause that specifically names the service warranty contract holders as sole beneficiaries of the contractual liability policy and claims are paid directly to the person making a claim under the contract;

(b) The contractual liability policy meets all other requirements of this part, including subsection (3) of this section, which are not inconsistent with this subsection;

(c) The association has been in existence for at least 5 years *or the association is a wholly-owned subsidiary of a corporation that has been in existence and has been licensed as a service warranty association in the state for at least 5 years*, and:

1. Is listed and traded on a recognized stock exchange; is listed in NASDAQ (National Association of Security Dealers Automated Quotation system) and publicly traded in the over-the-counter securities market; is required to file either of Forms 10-K, 100, or 20-G with the United States Securities and Exchange Commission; or has American Depository Receipts listed on a recognized stock exchange and publicly traded *or is the wholly-owned subsidiary of a corporation that is listed and traded on a recognized stock exchange; is listed in NASDAQ (National Association of Security Dealers Automated Quotation system) and publicly traded in the over-the-counter securities market; is required to file Form 10-K, Form 100, or Form 20-G with the United States Securities and Exchange Commission; or has American Depository Receipts listed on a recognized stock exchange and is publicly traded;*

2. Maintains outstanding debt obligations, if any, rated in the top four rating categories by a recognized rating service;

3. Has and maintains at all times a minimum net worth of not less than \$10 million as evidenced by audited financial statements prepared by an independent certified public accountant in accordance with generally accepted accounting principles and submitted to the department annually; and

4. Is authorized to do business in this state; and

(d) The insurer issuing the contractual liability policy:

1. Maintains and has maintained for the preceding 5 years, policyholder surplus of at least \$100 million and is rated "A" or higher by A.M. Best Company or has an equivalent rating by another rating company acceptable to the department;

2. Holds a certificate of authority to do business in this state and is approved to write this type of coverage; and

3. Acknowledges to the department quarterly that it insures all of the association's claims exposure under contracts delivered in this state.

If all the preceding conditions are satisfied, then the scope of coverage under a contractual liability policy shall not be required to exceed an

association's claims exposure under service warranty contracts delivered in this state.

Section 6. 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 service agreements; amending s. 634.011, F.S.; revising the definition of "motor vehicle service agreement"; amending s. 634.041, F.S.; revising the definition of "corporation"; requiring service agreement companies to maintain contractual liability insurance and limiting those to whom vehicle protection products may be sold; amending s. 634.121, F.S.; providing service agreement form requirements; amending s. 634.191, F.S.; revising the definition of unfair competition or unfair or deceptive acts or practices for purposes of disciplinary actions against a salesperson; amending s. 634.406, F.S.; revising the financial requirements for warranty associations to qualify for contractual liability policies covering claims exposure under contracts delivered in this state; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 2102** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1388** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for SB 300—A bill to be entitled An act relating to limitation of actions; amending s. 775.15, F.S.; providing that certain time limitations for prosecuting a crime do not apply if the alleged perpetrator is identified, after the expiration of such applicable time period, by analysis of DNA collected during the investigation of a crime or otherwise made available to a law enforcement agency; providing an effective date.

—was read the second time by title.

Senator Miller moved the following amendment which was adopted:

Amendment 1 (102228)(with title amendment)—On page 2, lines 3-10, delete those lines and insert:

(c) *Any offense of sexual battery under s. 794.011 for which the identity of the alleged perpetrator is determined after the expiration of such applicable time period and the perpetrator's identity is confirmed through DNA (deoxyribonucleic acid) analysis from a specimen or specimens collected during the investigation of a crime or otherwise made available to a law enforcement agency, when such information was not known to or in the possession of the agency for comparison prior to the expiration of the applicable time period. Such information may be used as evidence in a criminal proceeding or for the purpose of identification.*

And the title is amended as follows:

On page 1, line 5, after "perpetrator" insert: of an offense of sexual battery

Pursuant to Rule 4.19, **CS for SB 300** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 1912—A bill to be entitled An act relating to defense contractors; amending s. 288.1045, F.S.; redefining the term “Department of Defense contract”; revising the required minimum percentage of gross receipts derived from Department of Defense contracts; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1912** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

CS for SB 618—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; redefining the term “provisional ballot”; amending s. 97.0555, F.S.; requiring late registration to be done in the office of the supervisor of elections; amending s. 98.045, F.S.; including the statewide voter registration database in provisions governing the administration of voter registration; amending s. 98.0977, F.S.; revising provisions relating to accessing agency data for the statewide voter registration database; amending s. 98.0979, F.S.; revising provisions for requesting and furnishing voter registration information from the statewide voter registration database; amending s. 101.031, F.S.; revising the Voter’s Bill of Rights; amending s. 101.048, F.S.; revising the procedure for completing and canvassing provisional ballots; revising the Provisional Ballot Voter’s Certificate; amending s. 101.151, F.S.; revising specifications for ballots; creating s. 101.2512, F.S.; providing requirements for the printing of candidates’ names on general election ballots; creating s. 101.475, F.S.; prescribing poll-worker procedures where the name of a potential voter is not on the precinct register; amending s. 101.5601, F.S.; revising a reference; amending s. 101.5606, F.S.; revising requirements for voting systems with respect to overvoted and undervoted ballots; amending s. 101.5608, F.S.; revising a reference; amending s. 101.5611, F.S.; requiring direct voting instruction instead of provision of a voting instruction model; amending s. 101.5612, F.S.; revising requirements for sample testing of electronic or electromechanical tabulation devices; correcting terminology; amending s. 101.5614, F.S.; revising provisions for duplicating defective ballots for purposes of tallying valid votes; clarifying the prohibition against releasing the results of an election prior to the closing of the polls; eliminating obsolete provisions; amending s. 101.595, F.S.; limiting the information on voting problems that supervisors of elections are required to report to the Department of State following a general election; amending s. 101.68, F.S.; clarifying the prohibition against releasing the results of a canvassing or processing of absentee ballots prior to the closing of the polls; amending s. 101.69, F.S.; revising requirements for electors who have received absentee ballots but desire to vote in person; amending s. 102.014, F.S.; revising minimum training requirements for poll workers; amending s. 102.141, F.S.; revising times for canvassing boards to submit unofficial returns to the Department of State, including those submitted after a recount has been conducted; providing for the duplication of ballots that are damaged and cannot be counted by the automatic tabulating equipment during a recount; eliminating obsolete provisions; amending s. 102.166, F.S.; revising the date by which a request for a manual recount must be made; requiring comparison of duplicate ballots with their original ballots during a manual recount; amending s. 46, ch. 2001-40, Laws of Florida; providing campaign finance reporting requirements preceding the 2002 primary election for candidates involved in public campaign financing races; amending s. 105.031, F.S.; providing an earlier qualifying period for candidates for judicial office; repealing s. 101.22, F.S., relating to the voting procedure for paper ballots; repealing s. 101.5615, F.S., relating to recounts and election contests under the “Electronic Voting Systems Act”; repealing s. 101.72, F.S., relating to voting booths and compartments; providing effective dates.

—was read the second time by title.

Senator Meek offered the following amendment which was moved by Senator Jones and adopted:

Amendment 1 (201788)(with title amendment)—On page 6, between lines 19 and 20, insert:

Section 6. Subsection (2) of section 100.011, Florida Statutes, is amended to read:

100.011 Opening and closing of polls, all elections; expenses.—

(2)(a) The time of opening and closing of the polls shall be observed in all elections held in this state, including municipal and school elections.

(b) *Any person who is in line at the official closing of the polls in that county shall be allowed into the polling room to vote.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 100.011, F.S.; providing that a voter who is in line when the polls are scheduled to close must be allowed to vote;

MOTION

On motion by Senator Lee, the rules were waived and time of recess was extended until completion of **CS for SB 426**.

THE PRESIDENT PRESIDING

Senator Jones moved the following amendment which was adopted:

Amendment 2 (865338)(with title amendment)—On page 6, line 20 through page 8, line 2, delete those lines and insert:

Section 6. Subsection (1) of section 98.255, Florida Statutes, is amended to read:

98.255 Voter education programs.—

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

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

Section 7. Subsections (1) and (2) of section 101.031, Florida Statutes, are amended to read:

101.031 Instructions for electors.—

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

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

VOTER’S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line *at the official closing of when the polls in that county are closing.*
3. Ask for and receive assistance in voting.

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

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

- 1. Study and know candidates and issues.
- 2. Keep his or her voter address current.
- 3. Know his or her precinct and its hours of operation.
- 4. Bring proper identification to the polling station.
- 5. Know how to operate voting equipment properly.
- 6. Treat precinct workers with courtesy.
- 7. Respect the privacy of other voters.
- 8. Report problems or violations of election law.
- 9. Ask questions when confused.
- 10. Check his or her completed ballot for accuracy.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 16 and 17, delete those lines and insert: registration database; amending s. 98.255, F.S.; correcting a cross-reference relating to voter rights and responsibilities; amending s. 101.031, F.S.; revising the Voter's Bill of Rights to clarify that a voter may cast a vote if he or she is in line at the official closing of the polls in the county; eliminating provisions specifying voter responsibilities;

The vote was:

Yeas—18

Burt	Jones	Rossin
Campbell	Klein	Saunders
Dawson	Lawson	Silver
Dyer	Meek	Smith
Geller	Miller	Sullivan
Holzendorf	Mitchell	Wasserman Schultz

Nays—17

Mr. President	King	Pruitt
Carlton	Latvala	Sanderson
Clary	Laurent	Sebesta
Constantine	Lee	Webster
Cowin	Peaden	Wise
Crist	Posey	

Senators Jones and Meek offered the following amendment which was moved by Senator Jones and failed:

Amendment 3 (093146)(with title amendment)—On page 8, line 22 through page 26, line 4, delete those lines and insert: that ballot was entitled to vote in the county at the precinct in the election and that the person had not already cast a ballot in the election.

(b)1. If it is determined that the person was registered in the county and entitled to vote at the precinct in the election, the canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if it matches, shall count the ballot. The provisional ballot of a voter who is otherwise entitled to vote

shall not be rejected because the voter did not cast his or her ballot in the precinct of his or her legal residence. However, if the voter did not vote the ballot to which he or she was entitled, the canvassing board shall duplicate the ballot for the races that the voter was entitled to vote in his or her legal precinct and count the valid votes in races in which the voter was entitled to vote. The canvassing board shall use rules adopted by the division pursuant to s. 102.166(5) to determine whether an overvoted or undervoted race contains a valid vote.

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

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

STATE OF FLORIDA
COUNTY OF

I do solemnly swear (or affirm) that my name is ; that my date of birth is ; that I am registered to vote and at the time I registered I resided at , in the municipality of , in County, Florida; that I am registered in the Party; that I am a qualified voter of the county; and that I have not voted in this election. I understand that if I commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and /or imprisoned for up to 5 years.

(Signature of Voter)

(Current Residence Address)

(Current Mailing Address)

(City, State, Zip Code)

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

(Clerk or Inspector of Election Official)
Precinct # Ballot Style / Party Issued:

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

Section 8. Paragraphs (a) and (c) of subsection (2) of section 101.151, Florida Statutes, are amended to read:

101.151 Specifications for ballots.—

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

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

Section 9. Section 101.2512, Florida Statutes, is created to read:

101.2512 *Candidates' names on general election ballots.—*

(1) *The supervisor of elections shall print on the general election ballot the names of candidates nominated by primary election or special primary election or the names of candidates selected by the appropriate executive committee of any political party pursuant to the requirements of this code.*

(2) *In addition to the names printed on the ballot as provided in subsection (1), the supervisor of elections shall print on the general election ballot the names of each nonpartisan candidate, minor party candidate, or candidate with no party affiliation who has obtained a position on the general election ballot in compliance with the requirements of this code.*

Section 10. Section 101.475, Florida Statutes, is created to read:

101.475 *Procedure of election officials where name is not on precinct register.—*

(1) *If a person presents himself or herself to vote and his or her name is not on the precinct register, the pollworker shall contact the office of the supervisor of elections or access a master list of registered voters in the county to determine whether the person is registered to vote.*

(2) *If the person is registered in the county and is in the correct precinct, the person shall be allowed to vote.*

(3) *If the person is registered in the county but is not in the correct precinct, the pollworker shall direct the person to the proper precinct to vote.*

(4) *If the pollworker is unable to verify whether the person is registered in the county, the pollworker shall issue the person a provisional ballot pursuant to s. 101.048.*

(5) *If the pollworker verifies that the person is not registered in the county, but the person nonetheless maintains that he or she is entitled to vote, the pollworker shall issue the person a provisional ballot pursuant to s. 101.048.*

Section 11. Section 101.5601, Florida Statutes, is amended to read:

101.5601 *Short title.—Sections 101.5601-101.5614 may be cited 101.5601 through 101.5615 shall be known as the “Electronic Voting Systems Act.”*

Section 12. Effective September 2, 2002, subsections (3) and (4) of section 101.5606, Florida Statutes, as amended by section 18 of chapter 2001-40, Laws of Florida, are amended to read:

101.5606 *Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:*

(3) *It immediately rejects the automatic tabulating equipment shall be set to reject a ballot and provide the elector an opportunity to correct the ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.*

(4) *For systems using paper ballots, it accepts a rejected ballot pursuant to subsection (3) if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted. For rejected ballots that voters choose to cast, the automatic tabulating equipment will be set to accept the ballot and reject all votes for any office or measure when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or measure.*

Section 13. Paragraph (b) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 *Voting by electronic or electromechanical method; procedures.—*

(2) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot, the following procedures shall be followed:

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide instruction to direct the voter to the instruction model provided at the precinct pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.

Section 14. Section 101.5611, Florida Statutes, is amended to read:

101.5611 *Instructions to electors.—*

(1) ~~For the instruction of voters on election day, The supervisor of elections shall provide instruction at each polling place regarding one instruction model illustrating the manner of voting with the system. In instructing voters, no precinct official may favor any political party, candidate, or issue. Such instruction Each such instruction model shall show the arrangement of candidates party rows, office columns, and questions to be voted on. Additionally, the supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction model shall be provided located at a place which voters must pass to reach the official voting booth.~~

(2) ~~Before entering the voting booth each voter shall be offered instruction in voting by use of the instruction model, and the voter shall be given ample opportunity to operate the model by himself or herself. In instructing voters, no precinct official may show partiality to any political party or candidate.~~

(2)(3) The supervisor of elections shall have posted at each polling place a notice that reads: “A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years.”

Section 15. Paragraphs (a) and (d) of subsection (4) of section 101.5612, Florida Statutes, are amended to read:

101.5612 *Testing of tabulating equipment.—*

(4)(a)1. For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent of the devices for an optical scan system or 2 percent of the devices for a touch-screen system or 10 of the devices for either system, as applicable, whichever is greater. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.

2. If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.

3. If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall

then determine if the reported problem warrants its deeming the device unsatisfactory.

(d) Any tabulating device deemed unsatisfactory shall be ~~recoded~~ ~~reprogrammed~~, repaired, or replaced and shall be made available for retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.

Section 16. Subsections (5) and (9) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(5) If any ~~absentee ballot card of the type for which the offices and measures are not printed directly on the card~~ is *physically* damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot ~~card~~ in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot ~~card~~ shall be made, *in the presence of witnesses, of an absentee ballot initially rejected by the automatic tabulating equipment which contains an overvoted race or a marked absentee ballot in which every race is undervoted if the canvassing board determines, based on rules adopted by the division pursuant to s. 102.166(5), that a valid vote was cast for any overvoted or undervoted race. Such ballot shall be duplicated so that all valid votes are counted by the automatic tabulating equipment. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot a defective ballot which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and measures are printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card in the presence of witnesses and in the manner set forth above, or the valid votes on the damaged ballot card may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board. The totals for all such ballots or ballot cards counted manually shall be added to the totals for the several precincts or election districts. No vote shall be declared invalid or void if there is a clear indication on the ballot that the voter has made a definite choice as determined by the canvassing board. After duplicating a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.*

(9) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of any election prior to the closing of the polls *in that county* on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 17. Effective September 2, 2002, subsection (1) of section 101.5614, Florida Statutes, as amended by section 22 of chapter 2001-40, Laws of Florida, is amended to read:

101.5614 Canvass of returns.—

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

a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

Section 18. Section 101.595, Florida Statutes, is amended to read:

101.595 Analysis and reports of ~~voting problems voter error~~.—

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report ~~on voter errors~~ to the Department of State *the total number of overvotes and undervotes in the first race appearing on the ballot pursuant to s. 101.151(2)*, along with the likely reasons for *such overvotes and undervotes* ~~the errors~~ and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion.

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

(a) An identification of problems with the ballot design or instructions which may have contributed to voter confusion;

(b) An identification of voting system design problems; and

(c) Recommendations for correcting any problems identified.

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

Section 19. Paragraph (a) of subsection (2) of section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin at 7 a.m. on the fourth day before the election. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result shall be released until after the closing of the polls *in that county* on election day. Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of absentee ballots prior to the closing of the polls *in that county* on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 20. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election notwithstanding that the elector has requested an absentee ballot for that election. An elector who has received an absentee ballot, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector ~~does not is unable to~~ return the ballot, *the election official shall contact the supervisor's office to determine whether the supervisor has received the elector's absentee ballot. If the election official:*

(1) *Confirms that the supervisor has not received the elector's absentee ballot, the elector shall be allowed to vote in person. The elector's absentee ballot, if subsequently received, shall not be counted and shall remain in the mailing envelope, and the envelope shall be marked "Rejected as Illegal."*

(2) *Confirms that the supervisor has received the elector's absentee ballot, the elector shall not be allowed to vote in person. If the elector maintains that he or she has not returned the absentee ballot, the elector may vote a provisional ballot as provided in s. 101.048.*

(3) *Cannot confirm whether the supervisor has received the elector's absentee ballot, the elector may vote a provisional ballot as provided in s. 101.048.*

Section 21. Subsection (4) of section 102.014, Florida Statutes, is amended to read:

102.014 Poll worker recruitment and training.—

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

(a) No clerk shall be entitled to work at the polls unless he or she has had a minimum of ~~3 6~~ hours of training *prior to each election during a general election year, at least 2 hours of which must occur after June 1 of that year.*

(b) No inspector shall work at the polls unless he or she has had a minimum of ~~2 3~~ hours of training *prior to each election during a general election year, at least 1 hour of which must occur after June 1 of that year.*

(c) *For the purposes of this subsection, the first and second primary elections shall be considered one election.*

Section 22. Subsections (2), (4), and (6) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

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

(4) The canvassing board shall submit unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the day after any primary, general, special, or other election. *Such returns shall not include the canvass of any provisional ballots.*

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

(a) In counties with voting systems that use ~~ballot cards or~~ paper ballots, each canvassing board responsible for conducting a recount shall put each ballot through ~~the automatic tabulating equipment for each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If any paper ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(5).~~ Immediately before the start of the recount and after completion of the count, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being

taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

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

(c) The canvassing board shall submit a second set of unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the second day after any election in which a recount was conducted pursuant to this subsection. *Such returns shall not include the canvass of any provisional ballots.* If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

Section 23. Paragraph (a) of subsection (2) and subsection (6) of section 102.166, Florida Statutes, are amended to read:

102.166 Manual recounts.—

(2)(a) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by between one-quarter and one-half of a percent of the votes cast for such office, that a candidate for retention to judicial office was retained or not retained by between one-quarter and one-half of a percent of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by between one-quarter and one-half of a percent of the votes cast on such measure, any such candidate, the political party of such candidate, or any political committee that supports or opposes such ballot measure is entitled to a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure, provided that a request for a manual recount is made by 5 p.m. on the second day after the election.

And the title is amended as follows:

On page 2, line 27 through page 3, line 5, delete those lines and insert: 102.141, F.S.; clarifying the timing for reporting provisional ballot returns; providing for the duplication of ballots that are damaged and cannot be counted by the automatic tabulating equipment during a recount; eliminating obsolete provisions; amending 102.166, F.S.;

The vote was:

Yeas—14

Campbell	Jones	Mitchell
Dawson	Klein	Rossin
Dyer	Lawson	Silver
Geller	Meek	Wasserman Schultz
Holzendorf	Miller	

Nays—25

Mr. President	Garcia	Saunders
Burt	King	Sebesta
Carlton	Latvala	Smith
Clary	Laurent	Sullivan
Constantine	Lee	Villalobos
Cowin	Peaden	Webster
Crist	Posey	Wise
Diaz de la Portilla	Pruitt	
Futch	Sanderson	

Senator Klein moved the following amendment which was adopted:

Amendment 4 (104600)(with title amendment)—On page 14, line 20 through page 15, line 14, delete those lines and insert:

101.5611 Instructions to electors.—

(1) For the instruction of voters on election day, the supervisor of elections shall provide at each polling place one instruction model illustrating the manner of voting with the system. Each such instruction model shall show the arrangement of party rows, office columns, and questions to be voted on. Such model shall be located at a place which voters must pass to reach the official voting booth.

(2) Before entering the voting booth each voter shall be offered instruction in voting by use of the instruction model, ~~and the voter shall be given ample opportunity to operate the model by himself or herself.~~ *The supervisor shall also provide instruction by precinct officials for voters who request assistance, and shall provide instruction on the proper method of casting a ballot for the specific voting system used in that jurisdiction.* In instructing voters, no precinct official may show partiality to any political party or candidate.

(3) The supervisor of elections shall have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years."

And the title is amended as follows:

On page 2, lines 3-5, delete those lines and insert: F.S.; modifying voting instruction requirements; amending s. 101.5612, F.S.; revising

Pursuant to Rule 4.19, **CS for SB 618** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 426** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Carlton, by two-thirds vote **SB 146** and **SB 592** were withdrawn from the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **SB 274**, **CS for SJR 504** and **CS for SB 506** were withdrawn from the Committee on Rules and Calendar; **SB 980** and **SB 982** were withdrawn from the Committee on Criminal Justice; **SB 1540** and **SB 1914** were withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **SB 2070** was withdrawn from the Committee on Governmental Oversight and Productivity; and **SB 2080** was withdrawn from the Committee on Finance and Taxation.

MOTIONS

On motion by Senator Carlton, a deadline of 12:00 noon, Wednesday, March 6, was set for filing amendments to the appropriations bills to be considered Thursday, March 7.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, February 28, 2002: CS for SB 88, SB 86, CS for SB 1496, CS for CS for SB 362, CS for SB 2102, CS for SB 1388, CS for SB 300, CS for SB 1912, CS for SB 618, CS for SB 426, CS for SB 276, CS for SB 420, CS for SB 1964, SB 1966, SB 1968, SB 1970, SB 1972, CS for SB 42

Respectfully submitted,
Tom Lee, Chairman

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 1178, CS for SB 1408, CS for SB 1532 with 2 amendments, SB 1712, SB 2076

The Committee on Finance and Taxation recommends the following pass: CS for SB 1734

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

The Committee on Finance and Taxation recommends the following pass: CS for SB's 1226 and CS for SB 734

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1960

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1194, SB 1794, SB 2126

The bills were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1186, CS for SB 1610 with 1 amendment

The bills were referred to the Committee on Finance and Taxation under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SJR 1084

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

The Committee on Finance and Taxation recommends the following pass: CS for SB 2014

The bill was placed on the calendar.

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2286

The bill with committee substitute attached was referred to the Committee on Agriculture and Consumer Services under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 2124

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: CS for SB 2168

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2238

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 Transportation recommends a committee substitute for the following: SB 1738

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

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 2062

The Committee on Judiciary recommends a committee substitute for the following: SB 2256

The bills with committee substitutes attached contained in the foregoing reports were 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 1760

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1626

The Committee on Transportation recommends committee substitutes for the following: SB 540, SB 1458

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1860

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2112

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2178

The Committee on Transportation recommends a committee substitute for the following: SJR 630

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

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 2242, SB 2244

The Committee on Comprehensive Planning, Local and Military Affairs recommends committee substitutes for the following: SB 1464, SB 2078

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: SB 1950, SB 2026

The Committee on Judiciary recommends a committee substitute for the following: SB 1138

The Committee on Transportation recommends committee substitutes for the following: SB 1100, SB 1214

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1450

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.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 712

The Committee on Regulated Industries recommends committee substitutes for the following: SB 2140, SB 2252

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 1472

The Committee on Transportation recommends a committee substitute for the following: SB 1664

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 2198

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

The Committee on Appropriations recommends committee substitutes for the following: SB 1108, SB 1116

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 2006

The Committee on Finance and Taxation recommends committee substitutes for the following: SB 18, SB 22, CS for SB 76, SB 82

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 694

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Mitchell—

SB 2498—A bill to be entitled An act relating to local infrastructure funding; amending s. 218.25, F.S.; authorizing the use of revenue-sharing moneys received in excess of the guaranteed entitlement for municipalities and the second guaranteed entitlement for counties as a pledge for local indebtedness related to infrastructure; amending s. 403.1838, F.S.; permitting small disadvantaged counties to participate in the small communities sewer construction grants program, contingent upon identification of an additional funding source; directing development of additional criteria for prioritizing grant applicants; directing the Department of Environmental Protection and the Department of Transportation, in conjunction with the Department of Community Affairs and local government representatives, to recommend guidelines for prioritizing the distribution of state revenues for local water and transportation infrastructure projects; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

Bill numbers **2500—2510** have been reserved for appropriations bills.

SR 2512—Not referenced.

By Senator Crist—

SB 2514—A bill to be entitled An act relating to the Parole Commission; amending s. 940.03, F.S.; requiring that the Parole Commission require a person who applies for executive clemency to pay a fee if the commission conducts a hearing on the application for clemency; amending s. 947.23, F.S.; requiring that a parolee whose parole is revoked by the commission pay the costs of investigating and prosecuting the violations of the terms and conditions of parole which resulted in the revocation; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

Senate Resolutions 2516 and 2518—Not referenced.

By Senator Diaz de la Portilla—

SB 2520—A bill to be entitled An act relating to economic development; creating the Small Business Loan Demonstration Program within the Office of Tourism, Trade, and Economic Development; providing for loans to small businesses adversely affected by the economic conditions in this state; providing criteria and procedures for loan applications and award of loans; providing for repayment of loans; specifying that loan repayments revert to the General Revenue Fund; requiring the adoption of rules; providing an expiration date; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Dyer—

SB 2522—A bill to be entitled An act relating to consumer services; providing that it is a deceptive and unfair trade practice to bill a consumer after a free trial period without permission; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

By Senator Dyer—

SB 2524—A bill to be entitled An act relating to identification of human remains; amending s. 470.0355, F.S.; requiring those in charge of final disposition of dead human remains to take specimens for DNA analysis; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senator Dyer—

SB 2526—A bill to be entitled An act relating to consumer services; providing a penalty for the sale of personal consumer data without express authorization; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

By Senator Constantine—

SB 2528—A bill to be entitled An act relating to Everglades restoration; amending s. 201.15, F.S.; providing for a distribution of proceeds from excise taxes on documents for payment of debt service on Everglades restoration bonds; providing for the deposit of certain funds into the Save Our Everglades Trust Fund to finance the implementation of the Comprehensive Everglades Restoration Plan; creating s. 215.619, F.S.; authorizing the issuance of Everglades restoration bonds to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources for the purpose of implementing the Comprehensive Everglades Restoration Plan; providing procedures and limitations; providing for the deposit of funds; amending s. 373.470, F.S.; providing for the deposit of bond proceeds; providing legislative intent that the issuance of bonds is in the best interest of the state; providing an effective date.

—was referred to the Committees on Natural Resources; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

SR 2530 was adopted this day.

SR 2532—Not referenced.

By Senator Miller—

SB 2534—A bill to be entitled An act relating to the Parrish Fire Control District, Manatee County; amending section 15 and subsection (2) of section 16 of chapter 85-451, Laws of Florida, as amended by chapter 95-501, Laws of Florida; increasing the rates for special assessments; increasing impact fees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2536—A bill to be entitled An act relating to Broward County; extending the corporate limits of the Town of Lauderdale-By-The-Sea; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2538—A bill to be entitled An act relating to Lee County; creating the Village of Captiva; providing a charter; providing a short title; providing legislative intent; providing for incorporation; providing for a council-manager form of government; providing powers and duties; providing for a village council and its membership, including mayor, vice mayor, and mayor pro tem, qualifications and terms of office, powers and duties, absence of compensation, expenses, and prescribed procedures relating to vacancies, including forfeiture of office, suspension, and recall; providing for meetings; providing for recordkeeping; providing certain restrictions; providing for charter officers and their appointment, removal, compensation, filling of vacancies, qualifications, and powers and duties; establishing a fiscal year; providing for a budget, appropriations, amendments, and limitations; providing for elections and matters relating thereto; defining boundaries of the Village; specifying general provisions relating to charter review and amendment and standards of conduct; providing for severability; providing for a referendum, initial election of council members, transition services and compensation, first-year expenses, specified transitional matters, and state shared and gas tax revenues; providing a contingent effective date.

Proof of publication of the required notice was attached.

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

By Senator Geller—

SB 2540—A bill to be entitled An act relating to Broward County, Florida; providing for deannexation of certain lands from the Town of Davie; providing for annexation of certain lands into the Town of Southwest Ranches; providing for confirmation of corporate existence of the Town of Southwest Ranches as of June 6, 2000; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Smith—

SB 2542—A bill to be entitled An act relating to the City of Gainesville; amending chapter 90-394, Laws of Florida; revising the charter of the City of Gainesville; providing for additional duties of the internal auditor; providing for creation of the charter officer position entitled “equal opportunity director” to be appointed by the city commission; providing powers and duties of such officer; making the charter officers responsible for implementing the equal opportunity and human relations ordinances and programs in their respective departments; providing for application to persons covered under collective bargaining agreements; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Mitchell—

SB 2544—A bill to be entitled An act relating to Lafayette County; repealing chapter 59-1460, Laws of Florida, relating to the Lafayette County Development Authority; providing for the assumption of the assets and liabilities by the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Mitchell—

SB 2546—A bill to be entitled An act relating to Lafayette County; repealing chapter 80-518, Laws of Florida, which created the Lafayette County Recreation Board; transferring assets and liabilities of the board to the Board of County Commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2548—Not referenced.

By Senator Dawson—

SB 2550—A bill to be entitled An act relating to the Boca Raton Airport Authority; amending chapter 82-259, Laws of Florida, as amended; requiring the Town of Highland Beach, the City of Deerfield Beach, and the City of Delray Beach each to appoint one member, and the City of Boca Raton and the Palm Beach County Commission each to appoint two members to the Boca Raton Airport Authority; providing residency requirements of such appointees; providing terms of office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Burt—

SB 2552—A bill to be entitled An act relating to the City of Lake Helen, Florida; codifying, reenacting, and amending the Charter of the City of Lake Helen; providing a short title; providing for a Florida municipal corporation, the City of Lake Helen, Florida, to continue in existence with the same boundaries as are in effect on the effective date of this act; providing for municipal powers; providing for the composition of a City Commission, including a Mayor and four City Commissioners representing four City Commission zones with all elected at large; providing for qualifications for office; providing for election to office; providing for terms of office; providing for powers and duties of the City Commission; providing for the powers and duties of the Mayor and Vice Mayor; providing for compensation and expenses; providing for vacancies, forfeiture of office, suspension, recall, and the filling of vacancies; providing for public meetings, quorums, and public records; providing for a limitation on employment; providing for the City Administrator and City Attorney as charter officers; providing for qualifications, powers and duties of charter officers; providing for budgets and appropriations; providing for electors and elections; providing for the amendment of the City Charter; providing for standards of conduct; providing for the preservation of ordinances; providing for the rights of officers and employees; providing for pending matters; providing for a saving clause; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Mitchell—

SB 2554—A bill to be entitled An act relating to Dixie, Gilchrist, and Levy Counties; repealing chapter 84-423, Laws of Florida, relating to the Tri-County Hospital Authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Smith—

SB 2556—A bill to be entitled An act relating to the Gainesville-Alachua County Regional Airport Authority; amending chapter 86-469, Laws of Florida, as amended; changing the classification of the Authority from a dependent special district to an independent special district; revising the composition of the membership of the Authority; providing for the conduct of business consistent with the change in membership; deleting obsolete provisions; authorizing the creation of a Board of Trustees to whom powers of the Authority may be delegated; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Miller—

SB 2558—A bill to be entitled An act relating to the Trailer Estates Park and Recreation District, Manatee County; codifying, reenacting, amending, and repealing special acts relating to the district; providing for the administration of the affairs of said district by a board of nine trustees and defining their powers and duties; providing for the qualification of electors in the district and the manner of conducting the first election of trustees and for annual election of trustees thereafter; providing for removal of trustees and appointment to fill vacancies; providing for the assessment and collection of a recreation district tax assessed against each improved residential parcel of real property within the

district; providing that such district tax shall be a lien against each parcel of land so assessed and for the method of collecting such tax; providing for the deposit and disbursement of funds of the district; establishing a fiscal year and providing for publication of annual financial statements; authorizing the trustees of the district to issue bonds and other obligations of the district and to secure the same by pledge of tax revenues and other property of the district; authorizing the trustees of the district to acquire and dispose of real and personal property for the general purpose of the district; authorizing the trustees of the district to prescribe rules and regulations for the use of facilities of the district; providing for the abolishment of the district; providing conditions precedent to the filing of suit against the district or any of the trustees thereof, and relieving individual trustees from personal liability for obligations of the district; defining terms; providing for a special referendum within the district before this act may become effective; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Miller—

SB 2560—A bill to be entitled An act relating to Manatee County Mosquito Control District; codifying, reenacting, amending, and repealing special acts related to the district; providing a charter; providing for formation as an independent special district; providing boundaries of the district; providing for the election of commissioners and operation of the district in accordance with ch. 388, F.S.; providing for district powers, functions, and duties; providing for construction and effect; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Miller—

SB 2562—A bill to be entitled An act relating to the North River Fire District, Manatee County; codifying the district charter; providing boundaries; providing for a Board of Fire Commissioners; providing for elections; providing for filling of vacancies; providing authority to levy special assessments; providing for liens; providing for public hearings; providing for deposit of funds; providing for use of funds; providing borrowing power of the district; providing authority and power to acquire certain property; providing duties of the Board of Fire Commissioners; providing authority to employ qualified personnel; providing for financial reporting; providing for existence of the district; providing definitions; providing for impact fees; providing a schedule of special assessments; providing severability; providing for liberal construction; repealing chapters 89-502, 91-406, and 96-452, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Rossin—

SB 2564—A bill to be entitled An act relating to Indian Trail Improvement District, Palm Beach County; providing for codification of special laws relating to the Indian Trail Improvement District, a special tax district of the state; providing legislative intent; codifying, reenacting, and amending chapters 57-646, 67-692, 80-569, 82-352, 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, 99-473, Laws of Florida; providing for minimum charter requirements; amending the boundaries of the district to include additional lands; providing for supervisor qualifications, terms of office, election procedures, and compensation; providing for a referendum; providing for provisions of other laws made applicable; providing for ratification of prior actions; repealing chapters 57-646, 67-692, 80-569, 82-352, 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, 99-473, Laws of Florida, relating to the Indian Trail Improvement District; providing for liberal construction; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Miller—

SB 2566—A bill to be entitled An act relating to Bayshore Gardens Park and Recreation District, Manatee County; providing for codification; providing legislative intent; providing district status and boundaries; providing for applicability of chapters 418 and 189, Florida Statutes, and other general laws; providing a district charter; providing for liberal construction; providing for severability; repealing chapters 79-509 and 97-357, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Miller—

SB 2568—A bill to be entitled An act relating to Cedar Hammock Fire Control District; providing legislative intent; amending chapter 2000-391, Laws of Florida; providing for incorporation as a special fire control district; providing a district boundary; providing for a governing board of said district; providing for non-ad valorem assessments and impact fees; providing a schedule of non-ad valorem assessments; providing for district powers, functions, and duties; providing for construction and effect; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Finance and Taxation; and Senator Holzen-dorf—

CS for SB 18—A bill to be entitled An act for the relief of Kathleen McCarty, individually and as personal representative of the Estate of Laura Bailey, deceased, and George Decker and Joan Decker, individually and as co-personal representatives of the Estate of Christina Decker; providing appropriations to compensate them for losses sustained as a result of the actions of the Department of Children and Family Services; providing an effective date.

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

CS for SB 22—A bill to be entitled An act for the relief of Kimberly Godwin; providing an appropriation to compensate her for violations of her rights and for injuries she sustained as a result of the negligence of the Department of Children and Family Services; providing an effective date.

By the Committees on Finance and Taxation; Criminal Justice; and Senator Posey—

CS for CS for SB 76—A bill to be entitled An act relating to the Sheriff of St. Lucie County; providing for the relief of William Hennelly and Anne Hennelly; authorizing and directing the St. Lucie County Sheriff's Office to compensate them for personal injuries they suffered due to the negligence of employees of the sheriff's office; providing an effective date.

By the Committee on Finance and Taxation; and Senator Diaz de la Portilla—

CS for SB 82—A bill to be entitled An act relating to the Department of Transportation; providing for the relief of Maria Verela, as personal representative of the Estate of Veronica Barcos, deceased, and on behalf of Janessa Barcos and Natalee Barcos, minor children of Veronica Barcos; providing for the relief of Ligia Iglesias and Alba Luz Avendano, as co-personal representatives of the Estate of Zuleima Torres, deceased, and on behalf of Ashley Barcos and Gianni Barcos, minor children of Zuleima Torres; providing for spending authority to compensate them for injuries sustained as a result of the negligence of the department; providing an effective date.

By the Committee on Transportation; and Senator Wasserman Schultz—

CS for SB 540—A bill to be entitled An act relating to the Florida Safety Belt Law, creating the “Dori Slosberg Act of 2002”; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; prohibiting searches of vehicles or occupants because of a safety belt violation; providing an effective date.

By the Committee on Transportation; and Senators Clary and Latala—

CS for SJR 630—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution relating to a tax exemption for certain property owned by municipalities or special districts and used for specified purposes.

By the Committees on Judiciary; Regulated Industries; and Senator Geller—

CS for CS for SB 694—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 702.09, F.S.; redefining the terms “mortgage” and “foreclosure proceedings”; amending s. 718.104, F.S.; revising provisions relating to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising provisions relating to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising provisions relating to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising provisions relating to the association; amending s. 718.112, F.S.; revising provisions relating to bylaws; amending s. 718.113, F.S.; revising provisions relating to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising provisions relating to common expenses; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 718.405, F.S.; revising provisions relating to multicondominiums and multicondominium associations; amending s. 718.503, F.S.; relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising provisions relating to the prospectus or offering circular; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Dyer and Futch—

CS for SB 712—A bill to be entitled An act relating to use of the term “chamber of commerce”; creating s. 501.97, F.S.; providing definitions; prohibiting certain business entities from using the term “chamber of commerce” under certain circumstances; providing exemptions for certain entities in existence on or before October 1, 1992; providing a penalty; limiting application of requirements; authorizing chambers of commerce to sue certain business entities to enjoin use of such term; providing an effective date.

By the Committee on Transportation; and Senator Saunders—

CS for SB 1100—A bill to be entitled An act relating to the Spaceport Florida Authority; amending s. 331.308, F.S.; expanding the membership of the board of supervisors of the authority; specifying the space flight business affiliation of four appointees to the board; providing an effective date.

By the Committee on Appropriations; and Senator Silver—

CS for SB 1108—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.8177, F.S.; requiring the agency to contract for an evaluation of the Florida Kidcare program; amending s. 409.904, F.S.; revising provisions governing optional payments for medical assistance and related services; amending s. 409.905, F.S.; providing additional criteria for the agency to adjust a hospital’s inpatient per diem rate for Medicaid; amending s. 409.906, F.S.; authorizing the agency to make payments for specified services which are optional under Title XIX of the Social Security Act; amending s. 409.912, F.S.; revising provisions governing the purchase of goods and services for Medicaid recipients; providing for quarterly reports to the Governor and presiding officers of the Legislature; amending s. 409.9116, F.S.; revising the disproportionate share/financial assistance program for rural hospitals; amending s. 409.9122, F.S.; revising provisions governing mandatory Medicaid managed care enrollment; providing an effective date.

By the Committee on Appropriations; and Senator Silver—

CS for SB 1116—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 216.181, F.S.; providing for the use of funds by the department; amending s. 394.74, F.S.; prescribing a specified contract requirement; amending s. 394.908, F.S.; revising provisions governing substance abuse and mental health funding equity; amending s. 39.903, F.S.; requiring the Department of Children and Family Services to operate the domestic violence program; specifying program purposes; repealing s. 741.466, F.S., relating to the “Prevention of Domestic and Sexual Violence Program”; amending s. 938.01, F.S.; specifying the amount of funds available for use by the Department of Children and Family Services and the Department of Law Enforcement; repealing s. 4(2) of ch. 2001-184, Laws of Florida, and s. 7(2) of ch. 2001-232, Laws of Florida, relating to funding for the Prevention of Domestic and Sexual Violence Program; amending s. 414.035, F.S.; revising provisions authorizing expenditures by the department; amending s. 409.16745, F.S.; abrogating the repeal of the community partnership matching grant program; authorizing the sale of a hospital and providing for the use of the proceeds; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 1138—A bill to be entitled An act relating to student loans; creating s. 43.201, F.S.; providing for a financial assistance program administered by the Justice Administrative Commission to provide assistance to qualified assistant state attorneys, assistant public defenders, and assistant capital collateral counsels for the repayment of government student loans; providing for the elements of the program; providing for funding; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 1214—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising provisions relating to the organization of the Department of Transportation; deleting certain responsibilities of the secretary; requiring the secretary to submit a report on major actions at each meeting of the Florida Transportation Commission; revising provisions relating to assistant secretaries; reducing the number of assistant secretaries; creating the Office of Comptroller; eliminating provisions relating to the inspector general and comptroller; creating the Dori Slosberg Driver Education Safety Act; providing penalties for the illegal conveyance of fuel; amending s. 110.205, F.S.; conforming cross-

references; amending s. 189.441, F.S., relating to contracts with an authority under the Community Improvement Authority Act; removing an exemption from s. 287.055, F.S., relating to procurement of specified services; amending s. 206.46, F.S.; increasing the right-of-way bond cap; amending s. 215.615, F.S., relating to funding of fixed-guideway transportation systems; eliminating obsolete provisions; amending s. 255.20, F.S.; exempting certain transportation projects from certain competitive bidding requirements; amending s. 287.055, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; providing that certain seaports are subject to the requirements of s. 287.055, F.S.; amending s. 315.02, F.S.; authorizing ports to spend certain funds on security measures; altering the definition of the word "unit"; amending s. 315.03, F.S.; authorizing federal loan participation for certain entities; amending s. 2, ch. 2001-349, Laws of Florida; extending the deadline for providing economic assistance to airports; amending s. 2, ch. 88-418, Laws of Florida; providing ingress and egress for emergency vehicles on Crandon Boulevard; amending s. 332.004, F.S.; providing that off-airport noise mitigation is an airport or aviation development project; amending s. 334.044, F.S.; authorizing the department to expend money on items that promote scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; amending s. 336.41, F.S.; providing for counties to certify or qualify persons to perform work under certain contracts; clarifying that a contractor already qualified by the department is presumed qualified to perform work described under contract on county road projects; amending s. 336.44, F.S.; providing that certain contracts shall be let to the lowest responsible bidder; amending s. 337.11, F.S., relating to design-build contracts; adding, for a specified period, right-of-services to activities that may be part of a design-build contract; amending s. 337.14, F.S.; revising provisions for qualifying persons to bid on certain construction contracts; providing for expressway authorities to certify or qualify persons to perform work under certain contracts; clarifying that a contractor qualified by the department is presumed qualified to perform work described under contract on projects for expressway authorities; amending s. 337.401, F.S.; providing that for certain projects under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 337.408, F.S.; revising provisions with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 339.08, F.S.; revising provisions with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; raising the amount of funds which may be loaned to the Department of Transportation by local governments; providing grant preference for certain counties; revising provisions relating to compensation to local governments that perform projects for the department; amending s. 339.2817, F.S.; authorizing counties to retain or delegate oversight with respect to certain projects under the County Incentive Grant Program; amending s. 339.55, F.S.; expanding the eligibility for the state-funded infrastructure bank; amending s. 341.031, F.S.; conforming cross-references; amending s. 341.051, F.S., relating to financing of public transit capital projects, and s. 341.053, F.S., relating to projects eligible for funding under the Intermodal Development Program; eliminating obsolete provisions; amending s. 341.501, F.S.; authorizing the department to match funds from other states or jurisdictions; amending s. 348.0003, F.S.; authorizing a county governing body to set qualifications, terms of office, and obligations and rights for the members of expressway authorities within their jurisdictions; amending s. 348.0008, F.S.; authorizing certain persons to enter premises to make examinations necessary for property acquisition; creating s. 348.545, F.S.; authorizing bonding for the Tampa-Hillsborough County Expressway Authority; amending s. 348.565, F.S.; specifying roads that may be refinanced; amending s. 373.4137, F.S.; providing for certain expressway, bridge, or transportation authorities to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates certain facilities on the State Highway System is not required to issue a permit or grant access to any person for the purpose of soliciting funds; creating s. 768.0701, F.S.; providing limitations on fixed-rail historic street car service liability; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; requiring any county or municipality that receives more than a specified percentage of its total annual revenue for the prior year from civil penalties collected from traffic violations to deposit such excess

revenue into the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Rehabilitation Trust Fund; providing a loan extension for certain airports; providing an effective date.

By the Committee on Regulated Industries; and Senator Constantine—

CS for SB 1450—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 509.032, F.S.; providing for annual rather than biannual inspections of transient and nontransient apartments; revising notice and license requirements for temporary food service events; amending s. 509.251, F.S.; increasing the maximum aggregate license fee for public food service establishments; amending s. 509.291, F.S.; providing for increased coordination and consultation among the Secretary of Business and Professional Regulation, the Division of Hotels and Restaurants, and the advisory council; amending s. 509.302, F.S.; eliminating a requirement for the division to employ a director of education; revising provisions regarding the administration, fees, and funding of the Hospitality Education Program; amending s. 399.01, F.S.; requiring that elevator service maintenance contracts be made available to the department upon request for oversight purposes; revising qualifications for an elevator certificate of competency; amending s. 399.02, F.S.; providing that each elevator owner is responsible for inspections; eliminating a requirement that the department review service maintenance contracts and determine whether they ensure safe operation; amending s. 399.03, F.S.; providing additional requirements for issuance of elevator permits; providing requirements for original inspection report; providing for temporary operation inspections; amending s. 399.049, F.S.; revising grounds for suspension or revocation of certification or registration; amending s. 399.061, F.S.; eliminating an exception to annual inspections requirement; revising reporting requirements; amending s. 399.07, F.S.; extending the period of validity of certificate of operation from 1 to 2 years; eliminating a fee and provisions for deposit of fees; amending s. 399.105, F.S.; eliminating restriction on issuance of fine; amending s. 399.106, F.S.; conforming a reference to committee; amending s. 399.125, F.S.; eliminating a reporting requirement; amending s. 399.13, F.S.; allowing local government that assumes elevator inspection duties to hire private inspectors to conduct inspections; amending s. 509.072, F.S.; requiring the Department of Business and Professional Regulation to separately account for the funds collected for the inspection of elevators in the Hotel and Restaurant Trust Fund; providing an effective date.

By the Committee on Transportation; and Senator Constantine—

CS for SB 1458—A bill to be entitled An act relating to expressway authorities; amending s. 348.754, F.S.; restricting certain activities affecting the Wekiva River by the Orlando-Orange County Expressway Authority; amending s. 348.7543, F.S.; specifying the revenue bonds that may be used to finance certain improvements to the Orlando-Orange County Expressway Authority; amending s. 348.7544, F.S.; authorizing the authority to refinance the Northwest Beltway Part A; amending s. 348.7545, F.S.; authorizing the authority to refinance the Western Beltway Part C; amending s. 348.755, F.S.; prescribing additional authority to issue bonds by or on behalf of the authority; prescribing a condition on issuance of bonds by the authority; amending s. 348.765, F.S.; restating the authority's exemption from certain provisions relating to issuance of bonds by state agencies; providing an effective date.

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

CS for SB 1464—A bill to be entitled An act relating to growth management; creating s. 163.3246, F.S.; creating a Local Government Comprehensive Planning certification Program to be administered by the Department of Community Affairs; defining the purpose of the certification area to designate areas that are appropriate for urban growth within a 10-year timeframe; providing for certification criteria; specifying the contents of the certification agreement; providing evaluation criteria; authorizing the Department of Community Affairs to adopt procedural rules; providing for the revocation of certification agreements; providing for the rights of affected persons to challenge local

government compliance with certification agreements; eliminating state and regional review of certain local comprehensive plan amendments within certified areas; providing exceptions; providing for the periodic review of a local government's certification by the Department of Community Affairs; requiring the submission of biennial reports to the Governor and Legislature; providing for review of the certification program by the Office of Program Policy Analysis and Government Accountability; amending s. 163.3191, F.S.; requiring local governments within coastal high-hazard areas to address certain issues in the evaluation and appraisal of their comprehensive plans; providing an effective date.

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

CS for SB 1472—A bill to be entitled An act relating to placement of uniform warning and safety flags on public beaches; creating s. 380.276, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the display of uniform warning and safety flags and the placement of specified uniform notification signs; providing that the Department of Community Affairs shall direct and coordinate a program for the display and placement of such flags and signs; providing for the development of the program; providing program components and requirements; authorizing the department to coordinate the implementation of the program with specified entities; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

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

CS for SB 1626—A bill to be entitled An act relating to mobile home parks; amending s. 723.037, F.S.; requiring a meeting regarding lot rent increases; amending s. 723.06116, F.S.; providing for certain payments by mobile home park owners to be made to the Florida Mobile Home Relocation Corporation instead of to the Florida Mobile Home Relocation Trust Fund; establishing a deadline for certain payments by mobile home park owners; conforming cross-references; providing that certain provisions relating to payments to or by the Florida Mobile Home Relocation Corporation are enforceable in court; amending s. 723.0612, F.S.; lengthening the time period during which the Florida Mobile Home Relocation Corporation must approve certain payments; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 1664—A bill to be entitled An act relating to alternative fuels; amending s. 403.42, F.S.; revising the responsibilities of the Clean Fuel Florida Advisory Board and providing for its termination; providing an appropriation; providing an effective date.

By the Committee on Transportation; and Senator Smith—

CS for SB 1738—A bill to be entitled An act relating to motor vehicle racing contests; amending s. 316.191, F.S.; providing penalties for certain participation in such contests or competitions; providing an effective date.

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

CS for SB 1760—A bill to be entitled An act relating to substance abuse and mental health programs; amending s. 394.4574, F.S.; requiring publicly announced meetings; specifying additional requirements for district plans; amending s. 394.74, F.S.; authorizing the Department of Children and Family Services to use case rates or per capita contracts in contracting for the provision of services for local substance abuse and mental health programs; specifying additional requirements relating to such contracts; providing an effective date.

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

CS for SB 1860—A bill to be entitled An act relating to assisted-living services for minority persons; providing legislative findings; directing the University of South Florida's Policy Exchange Center on Aging to conduct a study; providing for access to records and data of the Department of Elderly Affairs, the Agency for Health Care Administration, and the Department of Community Affairs; requiring a report; providing for development of a private-public partnership to facilitate the development of a facility in a Front Porch Community; providing design principles; providing for appointment of an advisory group to guide the study and the private-public partnership development effort; providing for the advisory group's membership, meetings, and staff support; providing for termination of the advisory group; providing an appropriation; providing an effective date.

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

CS for SB 1950—A bill to be entitled An act relating to health regulation; transferring to the Department of Health the powers, duties, functions, and assets that relate to the consumer complaint services, investigations, and prosecutorial services performed by the Agency for Health Care Administration under contract with the department; amending s. 20.43, F.S.; deleting a provision authorizing the department to enter into such contract with the agency, to conform; updating a reference to provide the name of a regulatory board under the Division of Medical Quality Assurance; requiring a joint audit of hearings and their billing formulas and a report to the Legislature; repealing s. 456.047, F.S.; terminating the standardized credentialing program for health care practitioners; prohibiting the refund of moneys collected through the credentialing program; amending ss. 456.039, 456.0391, 456.072, 456.077, F.S.; removing references, to conform; amending s. 458.309, F.S.; requiring accreditation of physician offices in which surgery is performed; amending s. 459.005, F.S.; requiring accreditation of osteopathic physician offices in which surgery is performed; amending s. 456.004, F.S., relating to powers and duties of the department; requiring performance measures for certain entities; providing procedures for considering board requests to privatize regulatory functions; amending s. 456.009, F.S.; requiring performance measures for certain legal and investigative services and annual review of such services to determine whether such performance measures are being met; amending s. 456.011, F.S.; requiring regulatory board committee meetings, including probable cause panels, to be held electronically unless certain conditions are met; amending s. 456.026, F.S.; requiring inclusion of performance measures for certain entities in the department's annual report to the Legislature; creating s. 458.3093, F.S.; requiring submission of credentials for initial physician licensure to a national licensure verification service; requiring verification of such credentials by that service or an equivalent program; creating s. 459.0053, F.S.; requiring submission of credentials for initial osteopathic physician licensure to a national licensure verification service; requiring verification of such credentials by that service, a specified association, or an equivalent program; amending ss. 458.331, 459.015, F.S.; revising the definition of the term "repeated malpractice" for purposes of disciplinary action against physicians and osteopaths; increasing the monetary limits of claims against certain health care providers which result in investigation; amending s. 627.912, F.S.; raising the malpractice closed claims reporting requirement amount; requiring a study of the field office structure and organization of the Agency for Health Care Administration and a report to the Legislature; amending s. 456.025, F.S.; eliminating certain restrictions on the setting of licensure renewal fees for health care practitioners; creating s. 456.0165, F.S.; restricting the costs that may be charged by educational institutions hosting health care practitioner licensure examinations; amending s. 468.302, F.S.; exempting certain persons from radiologic technologist certification and providing certain training requirements for such exemption; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; renumbering ss. 381.0602, 381.6021, 381.6022, 381.6023, 381.6024, 381.6026, F.S., and renumbering and amending ss. 381.60225, 381.6025, F.S., to move provi-

sions relating to organ and tissue procurement, donation, and transplantation to part V, ch. 765, F.S., relating to anatomical gifts; conforming cross-references; amending ss. 395.2050, 409.815, 765.5216, 765.522, F.S.; conforming cross-references; amending s. 395.002, F.S.; defining the term “medically unnecessary procedure”; amending s. 395.0161, F.S.; requiring the Agency for Health Care Administration to adopt rules governing the conduct of inspections or investigations; amending s. 395.0197, F.S.; revising provisions governing the internal risk management program; amending s. 456.0375, F.S.; redefining the term “clinic”; amending s. 456.072, F.S.; revising grounds for which a licensee may be disciplined; amending s. 465.019, F.S.; revising definitions; amending s. 631.57, F.S.; exempting medical professional liability insurance premiums from an assessment; amending s. 766.101, F.S.; redefining the term “medical review committee”; requiring the Office of Legislative Services to develop a business plan for the Board of Dentistry; appropriating funds; providing effective dates.

By the Committees on Commerce and Economic Opportunities; Regulated Industries; and Senators Campbell, Constantine and Crist—

CS for CS for SB 2006—A bill to be entitled An act relating to household movers; defining terms; prohibiting certain actions by movers when moving household goods; providing requirements for contracts and estimates; providing penalties; prohibiting county ordinances regulating the transportation or shipment of household goods except under specified circumstances; providing an effective date.

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

CS for SB 2026—A bill to be entitled An act relating to genetic counselors; creating part XV of ch. 468, F.S., the “Genetic Counseling Practice Act”; providing a short title; providing legislative purpose and intent; providing definitions; requiring licensure to practice genetic counseling; providing exemptions; creating the Board of Genetic Counselors and providing for appointment and staggering of terms of its members; providing rulemaking authority; providing licensure requirements; providing for biennial renewal of licensure; providing for continuing education; providing fees; prohibiting certain acts; providing penalties; providing grounds for disciplinary action; providing for denial of licensure or imposition of other disciplinary actions authorized by law; providing an effective date.

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

CS for SB 2062—A bill to be entitled An act relating to infant eye care; amending s. 383.04, F.S.; requiring certain eye examinations for all infants born in hospitals in the state; requiring the Medicaid program to include certain eye examinations as a covered benefit; reenacting s. 383.07, F.S., relating to a penalty; amending ss. 627.6416, 641.31, F.S.; providing that coverage for children under health insurance policies and health maintenance organization contracts include certain eye examinations for infants and children; providing an effective date.

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

CS for SB 2078—A bill to be entitled An act relating to uniform building codes; requiring the Florida Building Commission to develop building code provisions to facilitate the rehabilitation and use of existing structures; requiring the commission to identify legislative changes required to implement such code provisions; requiring a report to the Legislature; amending s. 604.50, F.S.; redefining the term “nonresidential farm building” for purposes of applicability of building codes; creating s. 553.791, F.S.; providing an alternative method of building plan code review and building inspections; providing for building owners to use private providers for building code inspection services; prescribing standards for such private providers; prescribing powers and duties of private providers and local building officials; providing an appeals process; prohibiting certain local rules and standards; providing for exemp-

tions from alternative review and inspections; providing immunity from liability for certain personnel in connection with building code inspection services; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Saunders and Crist—

CS for SB 2112—A bill to be entitled An act relating to the space industry; creating the Aerospace Infrastructure Reinvestment Act; providing legislative findings; amending s. 212.20, F.S.; providing that the amounts due under the chapter on sales, use, and other transactions collected by dealers conducting business at a fixed location at the Kennedy Space Center or Cape Canaveral Air Station on admissions, leases, and licenses thereto and on sales of tangible personal property at such business shall be separately returned and distributed by the Department of Revenue to the Florida Commercial Space Financing Corporation and used for described purposes; defining the term “aerospace infrastructure”; providing for rules; providing an expiration date; providing an effective date.

By the Committee on Judiciary; and Senator Laurent—

CS for SB 2124—A bill to be entitled An act relating to liability under the drycleaning solvent cleanup program; amending s. 376.301, F.S.; defining the term “nearby real property owner”; amending s. 376.3078, F.S.; providing additional findings; exempting certain real property owners and others from claims for property damage arising from contamination by drycleaning solvents; providing for retroactive application; amending s. 376.308, F.S.; revising provisions governing the statutory construction of immunity provisions; amending s. 376.313, F.S.; revising provisions governing remedies and actions for damages; amending s. 376.3079, F.S.; revising the definition of the term “third-party liability”; providing an effective date.

By the Committee on Regulated Industries; and Senator Mitchell—

CS for SB 2140—A bill to be entitled An act relating to the tobacco settlement; creating part II of ch. 210, F.S., consisting of ss. 210.81-210.90, F.S.; providing a short title; providing legislative purpose; defining terms; prohibiting a permittee or licensee under ch. 210, F.S., from shipping or possessing for sale in or out of this state cigarettes not included on a list approved by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; requiring the division to annually prepare a list of certified cigarette brands; providing requirements under which a manufacturer’s brands may be included on the list; providing requirements for certification; requiring that the division notify a manufacturer and the Attorney General of its determination of certification; requiring reports by a permittee or licensee; authorizing the division to impose penalties against a permittee or licensee who violates the prohibition against the sale or shipment of certain cigarettes or who violates certain reporting requirements; requiring that the Attorney General seek an injunction or bring an action in circuit court to enforce the act; authorizing a manufacturer to bring an action challenging a determination made by the division with respect to enforcing the act; requiring that the division update the list of approved cigarettes; providing for sharing information; providing for confidentiality; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Commerce and Economic Opportunities; and Senator Latvala—

CS for CS for SB 2168—A bill to be entitled An act relating to brownfield redevelopment; amending s. 288.106, F.S.; redefining the term “local financial support exemption option” with respect to the tax refund program; amending s. 288.107, F.S.; revising the criteria for participation in the bonus refund program; revising the formula for calculating the refund; amending s. 376.80, F.S.; providing for certain unencumbered funds to be used for grants related to certain brownfield sites; providing an effective date.

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

CS for SB 2178—A bill to be entitled An act relating to county emergency medical service assessments; creating s. 125.271, F.S.; defining the term “county” as used in this section; providing for permanent qualification for funding emergency medical services through a special assessment levied as described in this act; providing construction; providing for the ratification and validation of certain special assessments levied before the effective date of this act; providing an effective date.

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

CS for SB 2198—A bill to be entitled An act relating to emergency telephone number “911”; amending s. 365.171, F.S.; revising the distribution of the “911” fee; amending s. 365.172, F.S.; defining the term “statewide programs”; providing for the duties of the Wireless 911 Board; providing for accounting services; providing for the administration of the Wireless 911 Fee; amending s. 365.173, F.S.; revising the distribution of funds; providing for county funds; providing an effective date.

By the Committee on Regulated Industries; and Senators Pruitt, Klein, Peaden, Latvala, Sanderson, Smith, Dawson, Wasserman Schultz, Sullivan and Futch—

CS for SB 2238—A bill to be entitled An act relating to funeral and cemetery services; providing a short title; providing for transfer of all records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of ch. 497, F.S., relating to funeral and cemetery services, from the Department of Banking and Finance to the Department of Business and Professional Regulation; ending the terms of current members of the Board of Funeral Directors and Embalmers and of the Board of Funeral and Cemetery Services; providing for appointment and staggering of terms of members of the new Board of Funeral Directors and Cemeteries; preserving the validity of judicial and administrative proceedings pending at the time of such transfer and the validity of licenses and registrations in effect at the time of such transfer; amending ss. 20.165, 455.2226, 470.002, 470.003, 497.005, 497.105, 497.117, 497.201, 497.253, F.S.; revising terminology and references, to conform; providing for payment of fees and costs of legal counsel to be paid from the Professional Regulation Trust Fund, to conform; reducing the number of contiguous acres required for a cemetery; providing for application; amending s. 215.321, F.S., relating to the Regulatory Trust Fund, to remove deposit therein of funds received pursuant to ch. 497, F.S.; amending s. 470.017, F.S.; increasing college credit course requirements for registration as a direct disposer; amending s. 470.018, F.S.; increasing continuing education requirements for renewal of registration as a direct disposer; amending s. 470.0295, F.S.; eliminating an exception to the requirement that a licensed funeral director be present during the disinterment and reinterment of human remains; requiring a permit prior to the disinterment of human remains; amending s. 470.0355, F.S.; revising requirements for the identification of human remains; providing rulemaking authority; providing penalties and providing for civil actions; amending s. 497.103, F.S.; requiring the board to establish by rule reasonable times for access to cemeteries; amending s. 497.305, F.S.; prohibiting cemetery companies from restricting cemetery access to authorized installers of monuments and markers during the access times established by board rule; amending s. 497.325, F.S.; clarifying applicability of certain illegal tying arrangements to all entities owning and operating a cemetery; amending s. 497.333, F.S.; requiring each written contract provided to a customer to include a complete description of any grave space to be used for the interment of human remains; repealing s. 497.361(5), F.S., relating to requirements for delivery and deadlines for installation of monuments; amending s. 497.419, F.S.; providing that failure to install a monument within a specified period after interment constitutes breach of contract; authorizing extension of such period by written agreement; amending ss. 497.233, 497.429, F.S.; conforming cross-references; creating s. 497.442, F.S.; prohibiting the preneed sale of undeveloped cemetery property prior to the filing of a site plan for board approval; requiring site plans for undeveloped cemetery property to be completed by a professional surveyor and mapper; providing penalties; repealing s.

497.101, F.S., relating to the Board of Funeral and Cemetery Services, to conform; repealing s. 497.107, F.S., relating to the headquarters of the board, to conform; repealing s. 497.109, F.S., relating to organization and meetings of the board, to conform; requiring death certificates to include the location where the body is buried; providing effective dates.

By the Committee on Commerce and Economic Opportunities; and Senators Saunders and Crist—

CS for SB 2242—A bill to be entitled An act relating to economic development; creating s. 288.1254, F.S.; creating a program under which certain producers of motion pictures, television programs, and commercials and certain digital effects companies shall be reimbursed for expenditures made in this state; providing a purpose and legislative findings for such program; prescribing limits on reimbursement; providing duties of the Office of Tourism, Trade, and Economic Development and the Office of Film and Entertainment; providing for rules; providing penalties for fraudulent claims for reimbursement; providing an appropriation; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Saunders and Crist—

CS for SB 2244—A bill to be entitled An act relating to trust funds; creating the Entertainment Industry Financial Incentive Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

By the Committee on Regulated Industries; and Senator Constantine—

CS for SB 2252—A bill to be entitled An act relating to timeshares; amending s. 721.111, F.S.; increasing the number of allowable promotional prizes which may be made available annually; amending s. 721.13, F.S.; authorizing the managing entity of a timeshare to allocate net rental proceeds in any reasonable manner with respect to a specific timeshare under certain circumstances; authorizing the managing entity to rent certain units to a developer at a bulk rate; amending s. 721.15, F.S.; revising a provision with respect to assessments for common expenses; providing an effective date.

By the Committee on Judiciary; and Senators Brown-Waite, Wise and Sullivan—

CS for SB 2256—A bill to be entitled An act relating to burden of proof in negligence actions involving transitory foreign objects or substances; creating s. 768.0710, F.S.; providing requirements with respect to the burden of proof in claims against persons or entities in possession or control of business premises; providing for the application of the act; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Mitchell, Lawson and Peaden—

CS for SB 2286—A bill to be entitled An act relating to the Small County Technical Assistance Program; amending s. 163.05, F.S.; revising legislative findings; providing criteria for contracts between the Commissioner of Agriculture and program providers; deleting responsibilities of the Legislative Committee on Intergovernmental Relations; authorizing the Commissioner of Agriculture to award contracts to provide assistance to small counties; requiring the Commissioner of Agriculture to provide fiscal oversight; providing an appropriation; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 7; has passed as amended HB 325, CS for HB 1085 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Colleges and Universities; and Representative Baker and others—

CS for HB 7—A bill to be entitled An act relating to determination of residency for tuition purposes; providing a title; amending s. 240.1201, F.S.; revising provisions relating to determination of residency for tuition purposes to classify certain members of the Florida National Guard as residents for tuition purposes; providing an effective date.

—was referred to the Committees on Education; and Appropriations.

By Representative Prieguez—

HB 325—A bill to be entitled An act relating to road designations; designating a specified portion of Le Jeune Road in the City of Coral Gables and the City of Miami in Miami-Dade County as a state historic road; prohibiting the expenditure of state funds for certain purposes; providing construction of the act; directing the Division of Historical Resources of the Department of State to provide for the erection of suitable markers; providing an effective date.

—was referred to the Committees on Transportation; and Finance and Tax.

By the Council for Ready Infrastructure; and Representative Baxley and others—

CS for HB 1085—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; authorizing dismissal of certain violations for failure to possess a boating safety identification card; authorizing a dismissal fee in certain circumstances; amending s. 370.25, F.S.; authorizing state universities to receive financial and technical assistance from the commission for the siting and development of artificial reefs; authorizing the commission to accept title to certain vessels on behalf of the state for use in the artificial reef program and to adopt rules regarding the transfer of such titles; amending s. 372.001, F.S.; revising and reorganizing definitions; creating s. 372.002, F.S.; providing legislative intent regarding the right to hunt, fish, and take game in the state; amending s. 372.105, F.S.; revising provisions relating to sources and uses of funds in the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; specifying distribution of certain funds in the Dedicated License Trust Fund; amending s. 372.16, F.S.; revising and reorganizing provisions relating to private game preserves and farms; creating s. 372.551, F.S.; authorizing the commission to establish processes and vendor fees for the sale of licenses and permits and the issuance of authorization numbers; requiring the use of competitive bidding procedures; amending s. 372.561, F.S.; revising provisions relating to issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting requirements related thereto; amending s. 372.561, F.S.; effective July 1, 2003; revis-

ing amounts tax collectors may retain for the sale of licenses and permits; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees and requirements; creating an exemption for commission employees in the performance of duties; creating an exemption for persons authorized by commission permit; amending s. 372.57, F.S.; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; creating an annual gold sportsman's license; providing for pier licenses and recreational vessel licenses, and providing fees therefor; providing for snook permits and crawfish permits; providing permit fees and providing for the use of revenues therefrom; renumbering and amending s. 370.0608, F.S.; providing for the deposit of saltwater licenses and fees into the Marine Resources Conservation Trust Fund; revising purposes for which licenses and fees may be used; renumbering and amending s. 370.0609, F.S.; providing for the expenditure of funds through grants and contracts to specified research institutes; renumbering and amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collector's return of unissued tags; deleting provisions relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 372.574, F.S.; conforming subagent duties and reporting requirements; amending s. 372.574, F.S.; effective July 1, 2003; repealing tax collectors' authority to appoint subagents; clarifying the authority of the Fish and Wildlife Conservation Commission to select and appoint subagents; amending s. 372.661, F.S.; clarifying provisions relating to private hunting preserves; correcting a cross reference; amending s. 372.711, F.S.; providing for dismissal of violations of license or permit possession requirements under certain conditions; authorizing a dismissal fee under certain conditions; reenacting ss. 372.711(1) and 372.83(1)(h), F.S.; reenacting provisions referencing penalties for violations of hunting, fishing, and trapping license and permit requirements; amending s. 372.921, F.S.; including amphibians in provisions relating to exhibition of wildlife; providing rulemaking authority; providing a penalty; amending s. 372.922, F.S.; clarifying classifications of types of wildlife; requiring a permit for personal possession; providing a fee exemption for personal possession of wildlife by an exhibitor or seller; amending s. 705.101, F.S.; including derelict vessels within the definition of "abandoned property"; amending ss. 212.06, 215.20, 370.0603, 370.063, 372.571, 372.5712, 372.5715, 372.5717, 372.573, 372.65, 372.7015, 372.7016, and 810.09, F.S.; correcting cross references; deleting obsolete language; repealing s. 370.0605, F.S., relating to saltwater fishing licenses and fees; repealing s. 370.0615, F.S., relating to lifetime saltwater fishing licenses; repealing s. 370.1111, F.S., relating to snook fishing permits; repealing s. 370.14(10) and (11), F.S., relating to recreational crawfish taking permits and issuance of a crawfish stamp; repealing s. 372.05(4), F.S., relating to duties of the executive director of the commission; repealing s. 372.06, F.S., relating to meetings of the commission; amending s. 372.27, F.S.; authorizing persons to fish in a portion of the Rainbow River; providing an exception for a portion of the Rainbow River within the Rainbow Springs State Park; repealing s. 372.60, F.S.; effective July 1, 2003; relating to the issuance of replacement licenses; providing effective dates.

—was referred to the Committees on Natural Resources; and Appropriations.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 27 was corrected and approved.

CO-SPONSORS

Senators Holzendorf—SB 372; Mitchell—SB 544

RECESS

On motion by Senator Lee, the Senate recessed at 5:06 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 12:30 p.m., Wednesday, March 6.