



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President McKay at 12:30 p.m. A quorum present—39:

Mr. President	Garcia	Peaden
Brown-Waite	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	Villalobos
Diaz de la Portilla	Meek	Wasserman Schultz
Dyer	Miller	Webster
Futch	Mitchell	Wise

Excused: Senator Sullivan until 1:32 p.m.

PRAYER

The following prayer was offered by the Rev. R. F. Langford, Franklin-town United Methodist Church, American Beach:

Almighty God, our heavenly Father, whose glory is in all the world, and who beholds all the dwellers upon earth from your throne: Most heartily we beseech thee, with thy favor to behold and bless all of those who have offered themselves to be servant leaders to advance the quality of life here in the midst of your creation.

We pray for a mighty blessing for the President of these United States, the Governor of the State of Florida, the President of the Senate, and all others who are in positions to bear rule on the lives of others within this State and throughout the world.

Father, we pray especially for the families of Marc Anderson and Bradley Crose who were among those who were killed in Afghanistan on Monday. We pray for them.

We pray that you grant them, grant the leaders godly wisdom to know the difference between what is right and what is wrong, and the strength to know and do thy will in their positions of leadership.

Please, O God, we pray, fill them with the love of truth and righteousness. Rule their hearts and prosper their endeavors to advance the

quality of life for others, including the economically less fortunate, that law and order, justice and peace may prevail everywhere throughout your creation. This we pray to the honor and glory of your holy name. Amen.

PLEDGE

Senate Pages Katherine “Kate” Bauder of Longwood, Heather Brown of Stuart and Jillian “Jill” Pritchard of Holmes Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Howard Franklin of Tampa, sponsored by Senator Crist, as doctor of the day. Dr. Howard specializes in Emergency Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Cowin—

By Senator Cowin—

SR 2516—A resolution recognizing Lance Corporal John Macdonell, for service in the Middle East.

WHEREAS, Lance Corporal John Macdonell is a resident of Lake County, and

WHEREAS, Lance Corporal John Macdonell is the son of Captain Alex J. Macdonell, II, (USMC Ret.) and Barbara S. Macdonell, District Senior Legislative Assistant to Senator Anna P. Cowin, and

WHEREAS, Lance Corporal John Macdonell’s photograph is displayed in Senator Anna P. Cowin’s office on her “Wall of Honor” as a living memorial, honoring those in the Armed Services who are fighting to protect our nation’s freedom, and

WHEREAS, Lance Corporal John Macdonell enlisted in the United States Marine Corps in June, 2000; graduated from Paris Island on August 25, 2000; and graduated from the School of Infantry in October, 2000, and

WHEREAS, Lance Corporal John Macdonell is currently assigned to Alpha Company, 1st Battalion, 3rd Marines, and

WHEREAS, Lance Corporal John Macdonell served in the Middle East in Operation Enduring Freedom, from September, 2001 until February 2002, and

WHEREAS, Lance Corporal John Macdonell was meritoriously promoted to the rank of Private First Class and Lance Corporal, and has a promotion to Corporal pending, NOW, THEREFORE,

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

That Lance Corporal John Macdonell is commended for his service to his country in the United States Marine Corps.

BE IT FURTHER RESOLVED, that a copy of this resolution, with the Seal of the Senate affixed, be presented to Lance Corporal John Macdonell as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Cowin, **SR 2516** was read the second time in full and adopted.

On motion by Senator Clary—

By Senator Clary—

SR 2640—A resolution recognizing March 6, 2002, as “Northwest Florida Legislative Day” in Tallahassee.

WHEREAS, Northwest Florida encompasses 16 counties across the Florida Panhandle and over 13,000 square miles of beautiful coastline, winding rivers, vast tracts of forested land, and more than 100 freshwater springs and is the home to 36 state parks, and

WHEREAS, Northwest Florida is known for its southern charm and small-town atmosphere, blended with its largely undiscovered and unspoiled beaches, and

WHEREAS, the Emerald Coast was voted the Number One Beach of America by USA Today and was voted as Southern Living’s best beach of the South for 6 years and Southern Living’s top family destination, and

WHEREAS, the beaches of Northwest Florida are visited by over 20 million tourists annually and average 339 sunny days per year, and

WHEREAS, the Emerald Coast beaches are unique and distinct due to the snow-white sand that is composed of quartz crystals washed down from the Appalachian Mountains centuries ago and to its waters that appear emerald green due to light reflecting off the photo-synthetic micro-algae that are suspended in the crystal clear water, and

WHEREAS, Northwest Florida is home to eight military bases, including Eglin Air Force Base, which is the largest air base in the Department of Defense; Pensacola Naval Air Station, home of the Blue Angels; Hurlburt Field, which is the oldest, largest, and most seasoned unit in the Air Force Special Operations Command; Whiting Field; Tyndall Air Force Base; Duke Field; Coastal Systems Station; the United States Coast Guard; and the world renowned National Museum of Naval Aviation, and

WHEREAS, today at noon we were honored to have a flyover by aircraft from Eglin Air Force Base which are assigned to the 33rd Fighter Wing’s 60th Fighter Squadron and fully armed and ready to defend us in Operation Noble Eagle, and

WHEREAS, the Air Armament Center at Eglin Air Force Base has supported America’s effort to combat terrorism by developing precision-guided weapons that have played a major role in the efforts in Afghanistan and more than 60 percent of the bombs dropped in Afghanistan were precision-guided weapons, most of them developed at Eglin Air Force Base, and

WHEREAS, Eglin Air Force Base has sent more than 1,000 military members to support Operation Enduring Freedom and Operation Noble Eagle to bases throughout the world, and Eglin’s 33rd Fighter Wing and its 728th Air Control Squadron have supported homeland defense by keeping watch on our cities and the skies over the United States, and

WHEREAS, Duke Field’s 919th Special Operations Wing has deployed more than 500 people and its aircraft to support special operations missions worldwide and more than 85 percent of its 1,300 members live and work in the Florida Panhandle, and

WHEREAS, the Island of Saint Rose, now known as Santa Rosa Island, was the site of the first colonial settlement in North America in 1559, and

WHEREAS, in 1861, the Battle of Santa Rosa Island was fought when the Confederacy tried and failed to overtake Fort Pickens, held by the Union throughout the Civil War, and

WHEREAS, Pensacola Beach had the area’s first tourist attraction when Pensacola boosters lobbied in 1886 to have Geronimo imprisoned at Fort Pickens, and

WHEREAS, Milton is considered by the Florida Legislature to be Florida’s Canoe Capitol of Florida, and Navarre is known as the “best kept secret”, and

WHEREAS, Pensacola is known as the city of five flags due to the city’s being occupied by the Spanish, French, British, Confederacy, and

the United States at some point in its history, and its historic district is a national historic landmark and was voted as the seventh most polite city in the nation, and

WHEREAS, Ft. Walton Beach is known for its Indian Temple Mound Museum which was a political and cultural center for Native Americans approximately 800 years ago and as a national historic landmark, it holds the finest collection of prehistoric Native American ceramics in the United States, and

WHEREAS, Ft. Walton Beach is the Billfish Capital of the World and has the annual Billy Bowlegs Festival, and

WHEREAS, Destin is the home of the largest charter-boat-fishing fleet in Florida and in the entire Gulf of Mexico, and

WHEREAS, Destin Harbor was the setting for a very successful movie, Jaws, and the Seaside community was the setting for “The Truman Show,” starring Jim Carrey, and

WHEREAS, Sopchoppy is the earthworm capital of Florida, and Port St. Joe is the sight of Florida’s First Constitutional Convention, and

WHEREAS, Panama City Beach is the self-styled seafood capital of the world, the home of Florida’s longest pier, and is known as the Wreck Capital of the South for its artificial dive sights, and

WHEREAS, Franklin County has no major highways or stop lights but is a “cool” place to visit due to the fact that it is the home of Dr. John Gorrie who invented a machine that is the predecessor to refrigeration and air conditioning and Apalachicola Bay produces 90 percent of the state’s annual oyster harvest, and

WHEREAS, Tallahassee is the capital city of Florida and the home of the Florida Legislature in which Northwest Florida is represented by Senators Durell Peaden, Al Lawson, Richard Mitchell, and Charlie Clary, and Representatives Greg Evers, Jerry Maygarden, Holly Benson, Jerry Melvin, Don Brown, Allan Bense, Bev Kilmer, Curtis Richardson, Loranne Ausley, and Will Kendrick, and

WHEREAS, Northwest Florida is the home of 11 universities and community colleges, including the University of West Florida, Florida State University-Panama City Campus, Florida State University, Florida Agricultural and Mechanical University, Troy State University-Ft. Walton Beach Campus, Pensacola Junior College, Pensacola Christian College, Gulf Coast Community College, Okaloosa Walton Community College, Chipola Community College, and Tallahassee Community College, and

WHEREAS, Madison Oakes is a student at Van R. Butler Elementary in Walton County and the winner of the Northwest Florida Legislative Day poster art contest, and

WHEREAS, Northwest Florida offers exciting events from wine festivals to seafood extravaganzas to ethnic-heritage happenings, NOW, THEREFORE,

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

That the Florida Senate recognizes March 6, 2002, as “Northwest Florida Legislative Day” in Tallahassee.

—was introduced out of order and read by title. On motion by Senator Clary, **SR 2640** was read the second time and adopted.

On motion by Senator Laurent—

By Senators Laurent, Smith, Mitchell, Wasserman Schultz, Campbell and Dyer—

SR 2476—A resolution recognizing March 6, 2002, as University of Florida Intercollegiate Athletics Day.

WHEREAS, the University of Florida this year received its 10th consecutive Southeastern Conference All-Sports Award, and

WHEREAS, the University of Florida is one of only two universities to rank in the top ten in national all-sports rankings in each of the last 18 years, and

WHEREAS, the University of Florida won the 2001 Men's Golf National Championship under the leadership of Coach Buddy Alexander, and

WHEREAS, since the beginning of the 2000-2001 academic year, the University of Florida won Southeastern Conference championships in football, soccer, volleyball, men's basketball, and women's tennis, and

WHEREAS, the University of Florida has earned 13 NCAA Championships since 1980 in aggregate for football, soccer, men's golf, women's golf, men's swimming and diving, women's swimming and diving, women's tennis, and women's track and field, and

WHEREAS, the University of Florida has earned 153 Southeastern Conference titles since joining that conference, and

WHEREAS, the University of Florida football team compiled a 122-27-1 record and won a National Championship during the 12-year tenure of Coach Steve Spurrier, and

WHEREAS, the University of Florida has had 41 Academic All-Americans since 1992 ranking fourth among all NCAA Division 1 schools during that time, and

WHEREAS, the University of Florida had a league and school record of 133 student-athletes named to the Southeastern Conference's Academic Honor Roll in 2000-2001, and

WHEREAS, the Pro Football Hall of Fame inducted former University of Florida All-American Jack Youngblood into the 2001 Hall of Fame Class, and

WHEREAS, the year 2002 began with the departure of Coach Steve Spurrier, who, in his 12-year career at the University of Florida, compiled a 122-27-1 record and an NCAA national championship, and

WHEREAS, the University of Florida welcomed Coach Ron Zook to direct the Gator Football Team to further exceptional achievements, NOW, THEREFORE,

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

That March 6, 2002, is recognized as University of Florida Intercollegiate Athletics Day, in recognition of the outstanding achievements and dedication to the ideals of the student-athlete demonstrated by the student-athletes of the University of Florida.

—was introduced out of order and read by title. On motion by Senator Laurent, **SR 2476** was read the second time in full and adopted.

On motion by Senator Lawson—

By Senator Lawson—

SR 2594—A resolution commending University of Florida graduate Jack Youngblood for his athletic achievements.

WHEREAS, Herbert Jackson Youngblood was born in Jacksonville on January 26, 1950, and

WHEREAS, Jack Youngblood played high school football at Jefferson County High School in Monticello, where he was named an All-State player in 1966, and

WHEREAS, Jack Youngblood played college football at the University of Florida, where he was an All-American defensive end in 1970, won All-American honors as a senior, and played in the Senior Bowl and College All-Star games, and

WHEREAS, Jack Youngblood received numerous college football honors, was named the Most Valuable Defensive Lineman in the SEC in 1970, was named to the SEC Quarter Century Team, and was named to the University of Florida's All-Century Team, and

WHEREAS, Jack Youngblood was drafted by the Los Angeles Rams in the first round of the 1971 draft, the first Gator defensive lineman to be picked in the first round, and

WHEREAS, Jack Youngblood, in 14 seasons with the Rams, played in 201 games out of 202 during his tenure, a team record, and

WHEREAS, Jack Youngblood won the Dan Reeves Award three times; was All-Pro five times; was All-NFC seven times; played in seven consecutive Pro-Bowls; and was twice named NFL Defensive Player of the Year, with over 150 career sacks before he retired in 1984, and

WHEREAS, called the "John Wayne of pro football," Jack Youngblood played the second half of the Dallas playoff game, the entire NFC Championship game, and the entire Super Bowl XIV with a broken leg, but his most outstanding single-game performance came against the St. Louis Cardinals in a 1975 playoff game, when he recorded one sack, one forced fumble, and one blocked extra-point attempt and returned an interception 47 yards for a touchdown, and

WHEREAS, Jack Youngblood, out of the 211 inductees in the Pro Football Hall of Fame, is only one of four who played high school or college football in this state, and is the only inductee from the University of Florida, and

WHEREAS, on January 27, 2001, the day after his 51st birthday, Jack Youngblood was bestowed the highest form of praise a pro football player can hope to achieve, election to the Pro Football Hall of Fame, NOW, THEREFORE,

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

That Jack Youngblood is commended for his outstanding athletic accomplishments in high school, college, and professional football.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Jack Youngblood as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Lawson, **SR 2594** was read the second time in full and adopted.

On motion by Senator Smith—

By Senators Smith, Laurent, Campbell, Mitchell, Wasserman Schultz, Holzendorf and Dyer—

SR 2586—A resolution recognizing the University of Florida and celebrating March 6, 2002, as University of Florida Day.

WHEREAS, the University of Florida was the first institution in this state to achieve university status, and

WHEREAS, the University of Florida is the state's largest university, and one of the top five universities in North America, with more than 46,000 students, and

WHEREAS, the University of Florida is the most comprehensive university in the state and one of the three most academically diverse universities in the nation, and

WHEREAS, the University of Florida has earned increasing prominence among nationally recognized research universities since its admission nearly two decades ago to the prestigious Association of American Universities, and remains the only Florida institution so affiliated, and

WHEREAS, the University of Florida has awarded more than 300,000 degrees and has more than 150,000 alumni living in Florida, and

WHEREAS, the University of Florida has more National Merit Scholars than any other institution in this state and ranks in the top five in attracting these scholars among public universities in the nation, and

WHEREAS, 17 University of Florida graduate or undergraduate programs made a top-ten national ranking in the latest U.S. News & World Report assessments, and

WHEREAS, the University of Florida was awarded \$379 million in funding for sponsored research, and

WHEREAS, among many endeavors, University of Florida researchers are integral participants in the international search for a cure for

cancer, the effort to unlock the mysteries of the brain, the designing of the world's next generation of microelectronics, and the building of bridges of understanding between peoples of our world, and

WHEREAS, the University of Florida Health Science Center is the most comprehensive academic health center in the Southeast, encompassing six colleges, including Dentistry, Health Professions Medicine, Nursing, Pharmacy and Veterinary Medicine and a statewide network of affiliated hospitals and clinics, including Shands Hospital as the flagship teaching hospital and the neighboring Veterans Affairs Medical Center of Gainesville, and

WHEREAS, the University of Florida is the state's oldest land-grant university and is the only university with extension programs in every county, plus at the Seminole Tribe, and

WHEREAS, the University of Florida, through the Institute of Food and Agricultural Sciences maintains an active, people-directed program network reaching 1.5 million participants and engaging almost 50,000 volunteers in urban horticulture, youth and family development, nutrition education, and natural resource enhancement throughout the state, and

WHEREAS, the University of Florida has a total annual economic impact of almost \$3.2 billion, more than six times the state investment of \$511 million, and

WHEREAS, the University of Florida is one of this state's leading cultural centers, which includes the Phillips Center for the Performing Arts, the Samuel P. Harn Museum of Art, and the Florida Natural History Museum, which now is hosting the hugely popular "A Tyrannosaurus Named Sue" exhibit, and

WHEREAS, the Northeastern area of the University of Florida campus is listed as a Historic District on the National Register of Historic Places, and

WHEREAS, the faculty and staff of the University of Florida have recently shattered the initial 2001 University of Florida Community Campaign goal by donating more than \$822,737 to local charities, NOW, THEREFORE,

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

That March 6, 2002, is celebrated as University of Florida Day in recognition of the University of Florida's academic achievements, outstanding private support, and service to the state.

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

—was introduced out of order and read by title. On motion by Senator Smith, **SR 2586** was read the second time in full and adopted.

At the request of Senator King—

By Senator King—

SR 2398—A resolution recognizing April 2002 as Craniosacral Therapy Awareness Month.

WHEREAS, craniosacral therapy was pioneered and developed by osteopathic physician John E. Upledger at Michigan State University, and

WHEREAS, craniosacral therapy is a gentle method of manually evaluating and normalizing the environment of the membranes and cerebrospinal fluid that surround and protect the brain and spinal cord, and

WHEREAS, restrictions or imbalances in the craniosacral system may directly affect all aspects of the central nervous system, and

WHEREAS, these problems can be detected and corrected by a skilled therapist using simple methods of palpation to improve the performance of the central nervous system, and

WHEREAS, by complementing the body's natural healing processes, craniosacral therapy is increasingly used as a preventive health mea-

sure for its ability to bolster resistance to disease and to address a wide range of medical problems associated with pain and dysfunction, including migraine headaches, chronic neck and back pain, learning disabilities, post-traumatic stress disorder, chronic fatigue, scoliosis, infantile disorders, motor coordination impairments, and other problems, and

WHEREAS, the Legislature recognizes craniosacral therapy for its use as a preventive health measure, NOW, THEREFORE,

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

That the Florida Senate recognizes April 2002 as "Craniosacral Therapy Awareness Month."

—**SR 2398** was introduced, read and adopted by publication.

BILLS ON THIRD READING

On motion by Senator Campbell, by two-thirds vote **CS for HB 489** was withdrawn from the Committees on Regulated Industries and Judiciary.

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

CS for HB 489—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.003, F.S.; exempting certain subordinate employees from provisions relating to regulation of land surveying and mapping; amending s. 472.005, F.S.; providing definitions; amending s. 472.008, F.S.; providing rulemaking authority to the Board of Professional Surveyors and Mappers relating to the use of professional titles by retirees; amending s. 472.013, F.S.; deleting an obsolete prerequisite to take the licensure examination to practice as a surveyor and mapper; deleting rulemaking authority for the review and approval of military schools and federal training and apprenticeship programs; amending s. 472.015, F.S.; revising requirements for licensure by endorsement; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; providing for liability and duty of care on agricultural land; amending s. 472.031, F.S.; prohibiting persons who are not registered to practice surveying and mapping from offering to practice such profession or from using certain related professional titles; providing penalties; amending s. 472.033, F.S.; providing grounds for disciplinary action; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 526** and by two-thirds vote read the second time by title. On motion by Senator Campbell, by two-thirds vote **CS for HB 489** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Burt

SENATOR LEE PRESIDING

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 third time by title.

On motion by Senator Pruitt, **CS for SB 88** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—King

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.

—as amended February 28 was read the third time by title.

On motion by Senator Pruitt, **SB 86** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

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.

—as amended February 28 was read the third time by title.

On motion by Senator Campbell, **CS for SB 1496** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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. 641.234, 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; 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; amending s. 641.51, F.S.; revising provisions governing examinations by ophthalmologists; providing an effective date.

—as amended February 28 was read the third time by title.

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

Amendment 1 (800398)—On page 3, lines 29-31, delete those lines and insert: s. 627.6472, or a major medical expense health insurance policy as defined in s. 627.643(2)(e) offered by a group or an individual health insurer licensed under chapter 624, including a preferred provider policy under s. 627.6471 and an exclusive provider organization under s. 627.6472.

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

Amendment 2 (162446)(with title amendment)—On page 5, between lines 4 and 5, insert:

Section 2. Subsection (1) of section 626.88, Florida Statutes, is amended to read:

626.88 Definitions of “administrator” and “insurer”.—

(1) For the purposes of this part, an “administrator” is any person who directly or indirectly solicits or effects coverage of, collects charges or premiums from, or adjusts or settles claims on residents of this state in connection with authorized commercial self-insurance funds or with insured or self-insured programs which provide life or health insurance coverage or coverage of any other expenses described in s. 624.33(1) or any person who provides billing and collection services to health insurers and health maintenance organizations on behalf of health care providers, other than any of the following persons:

(a) An employer on behalf of such employer’s employees or the employees of one or more subsidiary or affiliated corporations of such employer.

(b) A union on behalf of its members.

(c) An insurance company which is either authorized to transact insurance in this state or is acting as an insurer with respect to a policy lawfully issued and delivered by such company in and pursuant to the laws of a state in which the insurer was authorized to transact an insurance business.

(d) A health care services plan, health maintenance organization, professional service plan corporation, or person in the business of providing continuing care, possessing a valid certificate of authority issued by the department, and the sales representatives thereof, if the activities of such entity are limited to the activities permitted under the certificate of authority.

(e) An insurance agent licensed in this state whose activities are limited exclusively to the sale of insurance.

(f) An adjuster licensed in this state whose activities are limited to the adjustment of claims.

(g) A creditor on behalf of such creditor’s debtors with respect to insurance covering a debt between the creditor and its debtors.

(h) A trust and its trustees, agents, and employees acting pursuant to such trust established in conformity with 29 U.S.C. s. 186.

(i) A trust exempt from taxation under s. 501(a) of the Internal Revenue Code, a trust satisfying the requirements of ss. 624.438 and 624.439, or any governmental trust as defined in s. 624.33(3), and the trustees and employees acting pursuant to such trust, or a custodian and its agents and employees, including individuals representing the trustees in overseeing the activities of a service company or administrator, acting pursuant to a custodial account which meets the requirements of s. 401(f) of the Internal Revenue Code.

(j) A financial institution which is subject to supervision or examination by federal or state authorities or a mortgage lender licensed under chapter 494 who collects and remits premiums to licensed insurance agents or authorized insurers concurrently or in connection with mortgage loan payments.

(k) A credit card issuing company which advances for and collects premiums or charges from its credit card holders who have authorized such collection if such company does not adjust or settle claims.

(l) A person who adjusts or settles claims in the normal course of such person’s practice or employment as an attorney at law and who does not collect charges or premiums in connection with life or health insurance coverage.

(m) A person approved by the Division of Workers’ Compensation of the Department of Labor and Employment Security who administers only self-insured workers’ compensation plans.

(n) A service company or service agent and its employees, authorized in accordance with ss. 626.895-626.899, serving only a single employer plan, multiple-employer welfare arrangements, or a combination thereof.

A person who provides billing and collection services to health insurers and health maintenance organizations on behalf of health care providers shall comply with the provisions of ss. 627.6131, 641.3155, and 641.51(4).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, following the semicolon (;) insert: amending s. 626.88, F.S.; redefining the term “administrator,” with respect to regulation of insurance administrators;

On motion by Senator Saunders, further consideration of **CS for CS for SB 362** as amended was deferred.

CS for SB 2102—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.

—as amended February 28 was read the third time by title.

On motion by Senator Villalobos, **CS for SB 2102** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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 third time by title.

On motion by Senator Pruitt, **CS for SB 1388** was passed and certified to the House. The vote on passage was:

Yeas—36

Brown-Waite	Clary	Dyer
Burt	Constantine	Futch
Campbell	Crist	Garcia
Carlton	Diaz de la Portilla	Geller

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

Nays—None

Vote after roll call:

Yea—Cowin

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 of an offense of sexual battery 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.

—as amended February 28 was read the third time by title.

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

Amendment 1 (461226)(with title amendment)—On page 2, delete line 3 and insert:

(c) Any offense of sexual battery under chapter 794 or lewd or lascivious battery under s. 800.04 or s. 825.1025 for

And the title is amended as follows:

On page 1, line 6, after “battery” insert: or lewd or lascivious battery

On motion by Senator Miller, **CS for SB 300** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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 third time by title.

On motion by Senator Peaden, **CS for SB 1912** was passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

The Senate resumed consideration of—

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. 641.234, 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; 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; amending s. 641.51, F.S.; revising provisions governing examinations by ophthalmologists; providing an effective date.

—which was previously considered and amended this day.

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

Amendment 3 (520642)—On page 6, between lines 18 and 19, insert:

(c) For noninstitutional providers, all claims must be mailed or electronically transferred to an insurer within 90 days after completion of the service and after the provider has been furnished with the correct name and address of the patient’s insurer. For institutional providers, unless otherwise agreed to through contract, all claims must be mailed or electronically transferred to an insurer within 90 days after completion of the

service and after the provider has been furnished with the correct name and address of the patient's health insurer.

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

Amendment 4 (951026)(with title amendment)—On page 13, delete line 15 and insert:

(13) A permissive error ratio of 5 percent is established for insurers claims payment violations of s. 627.613(4)(a), (b), (c), and (e) and (5)(a), (b), (c), and (e). If the error ratio of a particular insurer does not exceed the permissible error ratio of 5 percent for an audit period, a fine may not be assessed for the noted claims violations for the audit period. The error ratio shall be determined by dividing the number of claims with violations found on a statistically valid sample of claims for the audit period, divided by the total number of claims in the sample. If the error ratio exceeds the permissible error ratio of 5 percent, a fine may be assessed according to s. 624.4211 for the claims payment violations that exceed the error ratio. Notwithstanding the provisions of this section, the department may fine a health insurer for claims payment violations of s. 627.613(4)(e) and (5)(e) which create an uncontestable obligation to pay the claim. The department may not fine insurers for violations that the department determines were due to circumstances beyond the insurer's control.

(14) The provisions of this section may not be waived,

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: establishing a permissive error ratio and providing guidelines for applying the ratio;

Senator Latvala moved the following amendment:

Amendment 5 (133592)(with title amendment)—On page 13, between lines 16 and 17, insert:

(14) This section applies only to a major medical expense health insurance policy as defined in s. 627.643(2)(e) which is offered by a group or an individual health insurer licensed under chapter 624, including a preferred provider policy under s. 627.6471 and an exclusive provider organization under s. 627.6472.

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: providing applicability;

Senator Latvala moved the following substitute amendment:

Amendment 6 (052466)(with title amendment)—On page 13, between lines 16 and 17, insert:

(14) The amendments to this section by this act apply only to a major medical expense health insurance policy as defined in s. 627.643(2)(e) which is offered by a group or an individual health insurer licensed under chapter 624, including a preferred provider policy under s. 627.6471 and an exclusive provider organization under s. 627.6472.

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: providing applicability;

Senator Posey moved the following amendment to **Amendment 6** which was adopted by two-thirds vote:

Amendment 6A (854664)—On page 1, lines 22 and 23, delete those lines and insert: including a preferred provider policy under s. 627.6417, an exclusive provider organization under 627.6472, or a group or individual insurance contract that provides payment for enumerated dental services.

Amendment 6 as amended was adopted by two-thirds vote.

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

Amendment 7 (280728)—On page 14, lines 22-27, delete those lines and redesignate subsequent subsections.

Amendment 8 (185322)—On page 16, lines 5-8, delete those lines and insert: pursuant to ss. 395.002, 395.1041, 401.45, and 401.252.

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

Amendment 9 (385572)—On page 19, delete line 16 and insert:

2. The term "entity" means a person licensed as an administrator under s. 626.88 and does not include any provider or

Senator Latvala moved the following amendment:

Amendment 10 (325684)—On page 22, between lines 5 and 6, insert:

(c) For noninstitutional providers, all claims must be mailed or electronically transferred to a health maintenance organization within 90 days after completion of the service and after the provider is furnished with the correct name and address of the patient's health maintenance organization. For institutional providers, unless otherwise agreed to through contract, all claims must be mailed or electronically transferred to a health maintenance organization within 90 days after completion of the service and after the provider is furnished with the correct name and address of the patient's health maintenance organization.

Senator Latvala moved the following amendment to **Amendment 10** which was adopted by two-thirds vote:

Amendment 10A (734654)—On page 1, line 27, after the period (.) insert: Submission of a provider's claim is considered made on the date it is electronically transferred or mailed.

Amendment 10 as amended was adopted by two-thirds vote.

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

Amendment 11 (732110)(with title amendment)—On page 30, delete line 12 and insert:

(14) A permissive error ratio of 5 percent is established for organizations claims payment violations of s. 641.3155(3)(a), (b), (c), and (e) and (4)(a), (b), (c), and (e). If the error ratio of a particular organization does not exceed the permissible error ratio of 5 percent for an audit period, a fine may not be assessed for the noted claims violations for the audit period. The error ratio shall be determined by dividing the number of claims with violations found on a statistically valid sample of claims for the audit period divided by the total number of claims in the sample. If the error ratio exceeds the permissible error ratio of 5 percent, a fine may be assessed according to s. 624.4211 for the claims payment violations that exceed the error ratio. Notwithstanding the provisions of this section, the department may fine a health maintenance organization for claims payment violations of s. 641.3155(3)(e) and (4)(e) which create an uncontestable obligation to pay the claim. The department may not fine organizations for violations that the department determines were due to circumstances beyond the organization's control.

(15) The provisions of this section may not be waived,

And the title is amended as follows:

On page 2, line 29, after the first semicolon (;) insert: establishing a permissive error ratio and providing guidelines for applying the ratio;

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

Amendment 12 (101380)—On page 31, lines 18-22, delete those lines and insert: A

Amendment 13 (034352)—On page 33, lines 13-16, delete those lines and insert: of this section.

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

Amendment 14 (310932)—On page 5, lines 27 and 28, delete those lines and insert: which consists of the UB-92 data set with entries stated as mandatory by the National Uniform Billing Committee. Health insurers shall reimburse all

Amendment 15 (611864)—On page 20, lines 9 and 10, delete those lines and insert: *of the UB-92 data set with entries stated as mandatory by the National Uniform Billing Committee. claim submitted on a HFCA 1500 form which*

Amendment 16 (062682)—On page 10, line 15 and on page 25, line 18, before the period (.) insert: *to the provider's designated location*

On motion by Senator Saunders, **CS for CS for SB 362** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Brown-Waite	Jones	Pruitt
Burt	King	Rossin
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	

Nays—2

Dawson	Holzendorf
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Consideration of **CS for SB 618** was deferred.

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

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

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Saunders and adopted:

Amendment 1 (460158)—In title, on page 1, line 2, after the semicolon (;) insert: *the Jennifer Knight Medicaid Lung Transplant Act;*

On motion by Senator Saunders, by two-thirds vote **CS for SB 2048** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Brown-Waite	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	

Nays—None

On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 811** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Brown-Waite—

CS for HB 811—A bill to be entitled An act relating to Florida seaport transportation and economic development funding; amending s. 311.07, F.S.; adding seaport security infrastructure measures to the list of projects eligible for funding by grant under the Florida Seaport Transportation and Economic Development Program; exempting such measures from certain matching fund requirements; providing for expiration of such provisions; authorizing seaports to request specified changes in the purpose of work program projects; providing for allocation and use of specified federal funds; providing an effective date.

—a companion measure, was substituted for **CS for SB 972** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 811** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB 1002—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; providing additional acts which constitute cruelty to an animal; providing a penalty; providing that any person convicted of specified acts which constitute cruelty to an animal, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal, shall, in addition to any other sentence imposed, be ordered to complete an anger management treatment program; providing a minimum mandatory fine and minimum mandatory period of incarceration; providing penalties for second or subsequent violations; reenacting ss. 550.2415(6)(d), 828.122(5) and (6)(a), 828.17, 828.24(3), 828.26(3), 828.29(14), 943.051(3)(b), 985.212(1)(b), 921.0022(3)(c), F.S., to incorporate the amendment to s. 828.12, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1002** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

SB 2070—A bill to be entitled An act relating to postsecondary education; amending ss. 229.003, 229.008, F.S.; revising the membership of state university boards of trustees; creating s. 240.236, F.S.; providing requirements for university student governments; providing requirements with respect to the adoption of internal procedures; providing for review of an internal procedure disapproved by a university president; providing procedures for suspension and removal of student government officers; amending s. 240.5277, F.S.; revising the membership of the Board of Trustees of New College of Florida; repealing s. 240.136, F.S., relating to suspension and removal of elected student government officials at state universities and community colleges; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2070** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for SB 94—A bill to be entitled An act relating to reading instruction; providing legislative intent regarding required reading instruction; requiring each public elementary school to develop and implement programs for reading and literacy development in kindergarten through grade 4; establishing a program to encourage the training of teachers in reading development; providing for the withholding of a portion of staff training funds if the program is not implemented in at least one school

in a district; requiring the Department of Education to provide technical support; providing an effective date.

—was read the second time by title.

Senator Miller moved the following amendment which was adopted:

Amendment 1 (420308)(with title amendment)—On page 2, delete line 4 and insert:

(4)(a) *The state should not mandate specific commercial or noncommercial reading programs but, instead, should encourage schools to use the Florida reading program standards in designing, evaluating, selecting, and implementing reading programs. School districts and schools must address a number of factors in selecting commercial or district-developed reading programs, materials, and resources. As reflected in the Florida reading program standards, the program being considered must:*

1. *Have a body of scientifically based reading research that supports the effectiveness of the program in improving student performance in reading or, at the very least, supports the components and strategies that constitute the program;*

2. *Provide scientifically based reading research indicating that the program has a probability of success with the specific target population;*

3. *Complement the district's comprehensive design for reading;*

4. *Demonstrate a clear alignment to the Sunshine State Standards for reading; and*

5. *Be supported by sufficient and appropriate professional development to ensure the integrity of implementation.*

(b) *School districts and schools must ensure that their reading programs:*

1. *Provide that:*

a. *All students are administered a screening;*

b. *Struggling students are assessed using diagnostic instruments in order to prescribe appropriate intervention; and*

c. *All students are provided with progress monitoring in order to improve instruction, and teachers are trained in the use of the instruments and analysis of the data they provide.*

2. *Provide students a minimum of 90 minutes of daily instruction in reading.*

3. *Are implemented as designed.*

(5) *The Department of Education shall provide*

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing guidelines for selecting reading programs; providing criteria that reading programs must satisfy;

RECONSIDERATION OF AMENDMENT

On motion by Senator Miller, the Senate reconsidered the vote by which **Amendment 1 (420308)** was adopted. **Amendment 1** was withdrawn.

Senator Miller moved the following amendment which was adopted:

Amendment 2 (850826)(with title amendment)—On page 2, between lines 8 and 9, insert:

(4)(a) *The state should not mandate specific commercial or noncommercial reading programs but, instead, should encourage schools to use the Florida reading program standards in designing, evaluating, selecting, and implementing reading programs. School districts and schools must address a number of factors in selecting commercial or district-developed reading programs, materials, and resources. As reflected in the Florida reading program standards, the program being considered must:*

1. *Have a body of scientifically based reading research that supports the effectiveness of the program in improving student performance in reading or, at the very least, supports the components and strategies that constitute the program;*

2. *Provide scientifically based reading research indicating that the program has a probability of success with the specific target population;*

3. *Complement the district's comprehensive design for reading;*

4. *Demonstrate a clear alignment to the Sunshine State Standards for reading; and*

(b) *School districts and schools must ensure that their reading programs:*

1. *Provide that:*

a. *All students are administered a screening;*

b. *Struggling students are assessed using diagnostic instruments in order to prescribe appropriate intervention; and*

c. *All students are provided with progress monitoring in order to improve instruction, and teachers are trained in the use of the instruments and analysis of the data they provide.*

2. *Provide students a minimum of 90 minutes of daily instruction in reading.*

3. *Are implemented as designed.*

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: providing guidelines for selecting reading programs; providing criteria that reading programs must satisfy;

Pursuant to Rule 4.19, **CS for SB 94** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 1914—A bill to be entitled An act relating to student financial assistance; amending ss. 240.409, 240.4095, and 240.4097, F.S., relating to the Florida Public Student Assistance Grant Program, the Florida Private Student Assistance Grant Program, and the Florida Postsecondary Student Assistance Grant Program, respectively; authorizing grants to part-time degree-seeking students; revising provisions relating to the maximum amount of the grants; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (090108)(with title amendment)—On page 2, line 9 through page 4, line 9, delete those lines and redesignate subsequent section

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) through line 8, before the semicolon (;), delete those lines and insert: amending s. 240.409, F.S., relating to the Florida Public Student Assistance Grant Program;

Pursuant to Rule 4.19, **SB 1914** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1806** was deferred.

On motion by Senator Peaden—

SB 592—A bill to be entitled An act providing for adoption assistance; creating s. 409.406, F.S.; providing authority for the Department of

Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special-needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; providing for rules; creating s. 409.407, F.S.; prohibiting expansion of the state's financial commitment; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 592** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1276** was deferred.

On motion by Senator Saunders—

CS for CS for SB 596—A bill to be entitled An act relating to long-term care; providing legislative findings and intent with respect to the needs of the state's elderly population; requiring the Agency for Health Care Administration and the Department of Elderly Affairs to submit a plan to the Governor and Legislature for reducing nursing-home-bed days funded under the Medicaid program; amending s. 408.034, F.S.; providing additional requirements for the Agency for Health Care Administration in determining the need for additional nursing-facility beds; amending s. 409.912; requiring the Agency for Health Care Administration to establish a nursing facility preadmission screening program; authorizing the agency to operate the program by contract; requiring an annual report to the Legislature and the Office of Long-Term-Care Policy; creating s. 430.041, F.S.; establishing the Office of Long-Term-Care Policy within the Department of Elderly Affairs; requiring the office to make recommendations for coordinating the services provided by state agencies; providing for the appointment of an advisory board to the Office of Long-Term-Care Policy; specifying membership in the advisory board; providing for reimbursement of per diem and travel expenses for members of the advisory board; requiring that the office submit an annual report to the Governor and Legislature; requiring assistance to the office by state agencies and universities; amending s. 430.204, F.S.; providing certain restrictions on community-care-for-the-elderly services; creating s. 430.7031, F.S.; requiring the Department of Elderly Affairs and the Agency for Health Care Administration to implement a nursing home transition program; providing requirements for the program; amending ss. 409.908, 430.708, 641.386, F.S., relating to reimbursement of Medicaid providers, certificates of need, and agent licensing and appointment; conforming cross-references to changes made by the act; amending s. 400.0069, F.S.; increasing the maximum membership of the local long-term care ombudsman councils; amending s. 400.0089, F.S.; requiring the State Long-Term Care Ombudsman Council to publish complaint information quarterly; amending s. 400.0091, F.S.; specifying training requirements for employees of the Office of the State Long-Term Care Ombudsman and its volunteers; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (432038)(with title amendment)—On page 6, line 22 through page 7, line 13, delete those lines and insert:

(b) *The agency shall operate the CARES program through an interagency agreement with the Department of Elderly Affairs.*

(c) *Prior to making payment for nursing facility services for a Medicaid recipient, the agency must verify that the nursing facility preadmission screening program has determined that the individual requires nursing facility care and that the individual cannot be safely served in community-based programs. The nursing facility preadmission screening program shall refer a Medicaid recipient to a community-based program if the individual could be safely served at a lower cost and the recipient chooses to participate in such program.*

(d) *By January 1 of each year, the agency shall submit*

And the title is amended as follows:

On page 1, lines 16 and 17, delete those lines and insert: preadmission screening program through an interagency agreement with the Department of Elderly Affairs;

Amendment 2 (711712)—On page 12, line 1, before “process” insert: *application*

Pursuant to Rule 4.19, **CS for CS for SB 596** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 484** was deferred.

On motion by Senator Sebesta—

SB 1536—A bill to be entitled An act relating to supervisors of elections; amending s. 98.015, F.S.; providing for the nonpartisan election of supervisors of elections; amending s. 101.151, F.S., relating to specifications for ballots, to conform; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items to qualify; amending s. 105.035, F.S.; providing procedures for candidates for supervisor of elections to qualify by the alternative method; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections shall be elected by vote of the qualified electors of the county; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; amending s. 105.09, F.S.; prohibiting certain political activity on behalf of a candidate for supervisor of elections; providing penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1536** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1500** was deferred.

On motion by Senator Peaden—

SB 716—A bill to be entitled An act relating to domestic violence; 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; providing an effective date.

—was read the second time by title.

The Committee on Children and Families recommended the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (783048)—On page 4, lines 24-28, delete those lines and insert:

(a) *All costs collected by the courts pursuant to subsection (1) shall be remitted to the Department of Revenue in accordance with administrative rules adopted by the executive director of the Department of Revenue for deposit in the Additional Court Cost Clearing Trust Fund. These funds and the funds deposited in the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as follows:*

Pursuant to Rule 4.19, **SB 716** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 276—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.235, F.S.; revising membership and terms of office of the Governor's Panel on Excellence in Long-Term Care; providing for selection of a panel chairperson; amending s. 400.4195, F.S.; providing conditions under which the prohibition against payment of referral fees by assisted living facilities does not apply; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (241048)(with title amendment)—On page 4, line 14 through page 5, line 27, delete those lines and insert:

Section 2. Section 400.4195, Florida Statutes, is amended to read:

400.4195 Rebates prohibited; penalties.—

(1) *Except as provided in subsection (2), it is unlawful for any assisted living facility, or any person or agency employed by or contracting with the facility, licensed under this part to contract or promise to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any health care practitioner, health care facility, or other physician, surgeon, organization, agency, or person, either directly or indirectly, for residents referred to an assisted living facility licensed under this part.*

(2)(a) *A facility may employ or contract with persons or agencies to market the facility for a fee or commission not based on the volume or value of referrals to the facility. Fees or commissions may be based on the volume or value of referrals to the facility when:*

(1) *The payment is not subject to the provisions of 42 U.S.C. s. 1320a-7b;*

(2) *Payment to the contract provider is made under a nonexclusive contract;*

(3) *The contract provider represents multiple facilities with different owners; ~~provided~~*

(4) *The employee or contract provider clearly indicates to all clients prior to referral that he or she represents and is being compensated by the facility, in addition to all other facilities represented by the person or agency;*

5. *The employee or contract provider:*

a. *Is not a health care practitioner or employee, vendor, or other contract provider of a health care facility in a position to make referrals to an assisted living facility;*

b. *Is not employed by a health care facility, social service agency, or any other organization in a position to make referrals to an assisted living facility;*

c. *Does not have an ownership interest in an assisted living facility and is not related to a person with an ownership interest in an assisted living facility;*

d. *Does not contract with or pay a health care facility, its employees, vendors, or other contract providers for access to internal or external processes for discharge of disabled persons over the age of 18 or frail and elderly persons to assisted living facilities;*

e. *Cannot offer the client or referral any money or gift of value as an enticement for services;*

6. *A level 2 background screening must be conducted for the contract provider or related employees for the purposes of conducting screening under chapter 435;*

7. *Referral is made to a licensed facility;*

8. *The contract does not require the facility or the individual being referred to use any other services affiliated with or owned in whole or in part by the contract provider;*

9. *The person referred remains a resident of the facility for at least 90 days.*

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

1. *“Facility” means an assisted living facility, as defined in s. 400.402;*

2. *“Contract provider” means a person, agency, organization, or corporation that contracts with a facility to market that facility to potential residents;*

3. *“Health care facility” means the office of a health care practitioner, a hospital licensed under chapter 395, a long-term care hospital licensed under chapter 395 which meets the requirements of 42 CFR s. 412.23(e), a skilled nursing facility, a hospice, as defined in part IV of chapter 400, an intermediate care facility for the developmentally disabled licensed under chapter 393, or a community mental health center licensed under chapter 394. A facility relying solely on spiritual means through prayer for healing is not a health care facility;*

4. *“Health care practitioner” means a medical doctor licensed under chapter 458, a doctor of osteopathy licensed under chapter 459, a doctor of chiropractic medicine licensed under chapter 460, a doctor of podiatric medicine licensed under chapter 461, a doctor of dentistry licensed under chapter 466, or another health care professional regulated by the Department of Health;*

(c)1. *All contract providers must register with the agency. If the agency determines that a contract provider does not meet the requirements of this section, the registration shall be denied. If a registrant fails to comply with this section, the agency may revoke or suspend the registration.*

2. *As part of the registration process, the agency may adopt by rule requirements for:*

a. *Reporting of activity by a contract provider; and*

b. *A process by which consumers or facilities may register a complaint with the agency alleging a violation of this section.*

3. *The agency may adopt by rule any necessary fee structure to cover the cost of administering the registration and reporting requirements.*

(d)1. *If the agency finds that any ground exists for the revocation or suspension of a contract provider's registration, the agency may, in lieu of revocation or suspension, impose a fine upon the contract provider.*

a. *With respect to any nonwillful violation, the fine may not exceed \$1,000 per violation, not to exceed a total of \$10,000 for all nonwillful violations arising out of the same action.*

b. *With respect to any knowing and willful violation, the fine may not exceed \$10,000 for each violation, not to exceed a total of \$100,000 for all knowing and willful violations arising out of the same action.*

2. *The agency must adopt by rule penalty categories that specify varying ranges of monetary fines for willful and nonwillful violations.*

3. *The agency may also refer the contract provider to the appropriate law enforcement agency for enforcement under subsection (5).*

(3) *A person or agency independent of and not under contract with a the facility may provide placement or referral services for a fee to individuals seeking assistance in finding a suitable facility; however, any fee paid for placement or referral services must be paid by the individual looking for a facility, not by the facility.*

(4) *The agency shall adopt rules to implement this section.*

(5)(2) *A violation of this section shall be considered patient brokering and is punishable as provided in s. 817.505.*

Section 3. Paragraph (j) is added to subsection (3) of section 817.505, Florida Statutes, to read:

817.505 Patient brokering prohibited; exceptions; penalties.—

(3) This section shall not apply to:

(j) *Services authorized in s. 400.4195(2).*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: authorizing the Agency for Health Care Administration to adopt rules; amending s. 817.505, F.S.; providing that certain penalties for patient brokering do not apply under such conditions;

Pursuant to Rule 4.19, **CS for SB 276** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

SB 146—A bill to be entitled An act relating to prevention and control of communicable diseases; amending s. 381.003, F.S.; requiring the Department of Health to adopt certain standards applicable to all public-sector employers; requiring the compilation and maintenance of certain information by the department for use by employers; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendment which was moved by Senator Dyer and failed:

Amendment 1 (815662)(with title amendment)—On page 1, line 20, delete “public-sector”

And the title is amended as follows:

On page 1, line 6, delete “public-sector”

Pursuant to Rule 4.19, **SB 146** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 374—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for a report to the Legislature; providing for an advisory group to the council; requiring the Southwest Florida Water Management District to act as lead entity for the purpose of providing staff and administrative support for the council; providing for a Citrus/Hernando Waterways restoration program; providing an effective date.

—was read the second time by title.

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

Amendment 1 (384634)—On page 5, between lines 28 and 29, insert:

(3) *Contingent on the Legislature’s appropriating funds for the Citrus/Hernando Waterways restoration program and in conjunction with financial participation by federal, other state, and local governments, the appropriate agencies shall, through competitive bid, award contracts to implement the activities of the Citrus/Hernando Waterways restoration program.*

Pursuant to Rule 4.19, **CS for SB 374** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

Consideration of **CS for CS for SB’s 662 and 232** was deferred.

On motion by 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.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (260806)(with title amendment)—On page 17, between lines 15 and 16, insert:

Section 13. Section 718.701, Florida Statutes, is created to read:

718.701 *Definitions.—As used in ss. 718.701-718.704, the term:*

(1) *“Affected owner” means a condominium unit owner or homeowner that has use rights in the common property or facilities administered by the master association.*

(2) *“Master association” means any entity not covered under the definition of “association” in s. 718.103(2) which has been given control or decision-making authority over real property or facilities serving one or more condominiums under its governing documents, and which receives moneys funded by mandatory dues or assessments paid by affected owners, whether or not the master association has a governing body that includes representatives of the condominium association. The term does not include an entity that is granted management or maintenance responsibility under a service contract with a single association. The term also does not include any entity that has been granted or assigned decision-making authority over real property or facilities that include, in whole or in part, a timeshare plan as defined in s. 721.03, or any entity governed under chapter 720, until control of the association has been relinquished by the developer.*

(3) *“Master association documents” means any declaration of covenants and restrictions or other organizational document that governs the property administered by the master association and includes the bylaws and the articles of incorporation of the master association.*

(4) *“Member” means a member of the master association as designated by the master association documents.*

(5) *“Revenues” means all regular or special assessments for reserves, operating or other expenses, and all other sources of revenue, including interest, user fees, developer subsidies, litigation proceeds, and insurance proceeds.*

Section 14. Section 718.702, Florida Statutes, is created to read:

718.702 *Master association meetings; records.—*

(1) *Meetings of a master association board at which a quorum of board members are present are open to the members of the master association and affected owners. Meetings between the board or a committee and the master association attorney with respect to proposed or pending litigation, or board or committee meetings pertaining to legal advice, are not open to the membership of the master association, and notice to the membership is not required.*

(a) Adequate meeting notice in the manner provided in s. 718.112(2)(c) shall be given to affected owners, and the affected owners are entitled to the rights provided in s. 718.112(2)(c).

(b) The right to attend such meetings includes the right to speak with reference to all designated agenda items. The master association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

(2) Subsection 718.111(12) applies to master associations, except that references to unit owners contained in that subsection apply to members and affected owners, and references to condominium documents therein refer to the master association documents.

Section 15. Section 718.703, Florida Statutes, is created to read:

718.703 Powers of Division of Florida Land Sales, Condominiums, and Mobile Homes over master associations.—On demand by the division, any condominium association must notify the division of any master association with which it is associated which is pertinent to any inquiry or investigation regarding the rights of individual unit owners, and must provide copies of documents that establish and govern the relationship between the association and the master association.

Section 16. Section 718.704, Florida Statutes, is created to read:

718.704 Financial reporting.—

(1) If total annual revenue of a master association is \$100,000 or less, the association shall obtain from the master association for inclusion in the association's records a complete cash basis financial report of actual receipts and expenditures for the prior fiscal year.

(2) If total annual revenue of a master association exceeds \$100,000, the association shall prepare a complete set of financial statements in accordance with generally accepted accounting principles as follows:

(a) If total annual revenue of the master association exceeds \$100,000 but is less than \$200,000, the association shall obtain from the master association for inclusion in the association's records compiled financial statements.

(b) If total annual revenue of the master association exceeds \$200,000 but is less than \$400,000, the association shall obtain from the master association for inclusion in the association's records reviewed financial statements.

(c) If total annual revenue of the master association exceeds \$400,000, the association shall obtain from the master association for inclusion in the association's records audited financial statements.

(3) Master associations may exceed these reporting requirements.

(4) The association shall obtain the financial reports or statements within 90 days following the end of the fiscal year to which the reports or statements relate. The condominium association shall make the reports or statements available to condominium unit owners in the manner and form required under its governing documents, but no later than 14 days after receipt.

(5) This section does not limit public records or disclosure requirements that are required of a master association or association under their governing documents or under any other provision of law; however, the financial reporting requirements of this section satisfy the financial reporting requirements of s. 720.303(7).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 4, after the semicolon (;) insert: 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;

Pursuant to Rule 4.19, **CS for CS for SB 694** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 426—A bill to be entitled An act relating to tax administration; creating s. 175.1015, F.S.; authorizing the Department of Revenue to create and maintain a database for use by insurers; providing insurers with incentives for using the database; providing penalties for failure to use the database; requiring local governments to provide information to the department; appropriating funds to the department for the administration of the database; authorizing the department to adopt rules; creating s. 185.085, F.S.; authorizing the Department of Revenue to create and maintain a database for use by insurers; providing incentives to insurers for using the database and penalties for failure to use the database; requiring local governments to provide information to the department; appropriating funds to the department for the administration of the database; authorizing the department to adopt rules; amending s. 199.052, F.S.; eliminating the requirement that a corporation file an intangibles tax return when no tax is due; repealing s. 199.062(1) and (2), F.S.; eliminating the requirement that a corporation file an annual information return regarding stock value; amending s. 199.218, F.S.; eliminating the requirement that a corporation maintain records relating to information reported under s. 199.062(2), F.S.; amending s. 199.282, F.S.; eliminating the penalty imposed upon a corporation for failure to file the notice required under s. 199.062(2), F.S.; repealing s. 201.05, F.S., relating to tax on stock certificates; amending s. 201.08, F.S.; providing for the maximum tax that must be paid on unsecured obligations; conforming cross-references; amending s. 212.11, F.S.; authorizing the Department of Revenue to require a report to be submitted when filing a sales and use tax return that claims certain credits; authorizing the department to adopt rules regarding the forms and documentation required to verify these credits; authorizing the department to disallow any credit not supported by the required report and to impose penalties and interest; amending s. 212.18, F.S.; authorizing the Department of Revenue to waive registration fees for online registrations and registrations made using the Multistate Tax Commission procedures; amending s. 220.22, F.S.; eliminating initial information returns for certain corporations; amending s. 220.23, F.S.; providing that interest on any deficiency accrues from the date fixed for filing the original return; amending s. 220.809, F.S.; conforming provisions; amending s. 376.70, F.S.; authorizing the Department of Revenue to waive registration fees for online registrations; amending s. 443.131, F.S.; allowing certain employers of domestic employees to file annually for unemployment tax; providing an appropriation to the Department of Revenue; amending s. 220.15, F.S., which provides for apportionment of adjusted federal income to this state; revising the conditions for determining when sales of tangible personal property occur in this state for certain industries; providing for retroactive effect; amending s. 72.011, F.S.; providing for the venue and jurisdiction of taxpayer actions in circuit court; amending s. 212.12, F.S.; providing for methods of determining overpayments by persons paying the tax on sales, use, and other transactions; amending s. 213.21, F.S.; revising the process for review of a taxpayer's liability for tax and interest; amending ss. 213.285, F.S., 213.053, F.S.; postponing the repeal of the certified audits project; amending s. 608.471, F.S.; providing for the tax treatment of certain types of limited liability companies; amending s. 220.187, F.S.; providing for an additional class of "qualified student," repealing section 9 of ch. 2001-225, Laws of Florida; repealing an incorrect statutory reference; repealing s. 220.331, F.S.; allowing credits to be applied to the first two estimated payments; providing an appropriation; providing effective dates.

—was read the second time by title.

Senator Pruitt moved the following amendments which were adopted:

Amendment 1 (183198)(with title amendment)—On page 29, lines 15-24, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 27 and 28, delete those lines and insert: to the first two estimated payments; providing effective dates.

Amendment 2 (455220)(with title amendment)—On page 4, line 1 through page 11, line 17, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-21, delete those lines and insert: An act relating to tax administration; amending s. 199.052,

Pursuant to Rule 4.19, **CS for SB 426** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Pursuant to Rule 4.19, **CS for SB 2014** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

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

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 462** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, by two-thirds vote **CS for HJR 317** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

On motion by Senator Brown-Waite—

CS for HJR 317—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution, relating to finance and taxation, to allow counties to provide for a reduction in the assessed value of homestead property based on the increase in such value which results from constructing living quarters for certain persons over the age of 62 years.

—a companion measure, was substituted for **CS for SJR 504** and read the second time by title.

Pursuant to Rule 4.19, **CS for HJR 317** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, by two-thirds vote **CS for CS for HB 313** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Finance and Taxation; and Rules and Calendar.

On motion by Senator Brown-Waite, by two-thirds vote—

CS for CS for HB 313—A bill to be entitled An act relating to ad valorem taxation; creating s. 193.703, F.S.; providing for a reduction in assessment for constructed or reconstructed living quarters for parents or grandparents of homestead property owners or of their spouses; providing limitations; providing application procedures; providing penalties for making a willfully false statement in the application; providing for adjustment of the assessed value of property when the property owner is no longer eligible for the reduction in assessment; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 506** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 313** was placed on the calendar of Bills on Third Reading.

On motion by Senator Futch—

CS for SB 2014—A bill to be entitled An act relating to the additional homestead exemption for persons 65 and older; amending s. 196.075, F.S., which allows counties and municipalities to grant such exemption; providing requirements with respect to the taxpayer's statement of household income and supporting documents; revising the submission date for such documents; authorizing random audits of such statements; providing requirements with respect to release of tax information to the property appraiser; providing penalties and providing for a lien for improperly taking such an exemption; providing for notice and procedures relating to such a lien; providing an effective date.

—was read the second time by title.

Consideration of **CS for SJR 940** and **SJR 1284** was deferred.

On motion by Senator Miller—

CS for SB 178—A bill to be entitled An act relating to parking permits for disabled persons; transferring, renumbering, and amending s. 320.0848, F.S., and amending s. 322.181, F.S.; providing for photographs on parking permits for disabled persons; transferring the issuance of such permits to the driver's license office within the Department of Highway Safety and Motor Vehicles; authorizing tax collectors to issue such permits if they have the capability of processing a digital image of the applicant; amending ss. 316.1955, 316.1964, 318.18, 320.08035, 320.084, 320.0842, 320.0843, 322.051, 526.141, 553.5041, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 178** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1306—A bill to be entitled An act relating to a road designation; designating a portion of I-275 in Pinellas County as the "St. Petersburg Parkway"; dedicating the new Rose Bay bridges between the Cities of New Smyrna Beach and Port Orange to honor U.S. military POW's and MIA's; renaming a portion of State Road 580 within the city limits of Temple Terrace as the "Temple Terrace Parkway"; designating bridge number 550122 in Tallahassee as the "Veterans Memorial Bridge"; designating a portion of State Road 77 as the "Lynn Haven Parkway"; designating a portion of State Road 16 as the "Correctional Officers Memorial Highway"; designating a portion of Interstate 75 as the "Purple Heart Memorial Highway"; designating the "Korean War Veterans Memorial Highway" in Seminole County; designating a portion of State Road 100 in Flagler County as Veterans Memorial Highway; designating the "All-American Parkway" in Miami-Dade County; designating "Borinquen Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1306** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 138—A bill to be entitled An act relating to criminal street gang activity; amending s. 874.04, F.S.; revising the procedure under which the court may sentence a person to an enhanced sentence when the person is convicted of or adjudicated delinquent for committing an offense for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; deleting a requirement that the court make such finding at sentencing; deleting a requirement that such finding be made by a preponderance of the evidence; reenacting s. 921.0024(1)(b), F.S., relating to the worksheet for the Criminal Punishment Code, to incorporate the amendment to s. 874.04, F.S. in a reference thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 138** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

CS for SB 952—A bill to be entitled An act relating to exploitation of elderly or disabled adults; amending s. 775.15, F.S.; revising the statute of limitations for prosecutions for abuse, aggravated abuse, or neglect of

an elderly person or disabled adult; specifying a statute of limitations for prosecutions for exploitation of an elderly person or disabled adult; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 952** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 1026—A bill to be entitled An act relating to crimes against minors; amending ss. 787.01, 787.02, F.S.; revising the elements of the crimes of kidnapping a minor child and false imprisonment of a minor child; amending s. 787.025, F.S.; revising the elements of the crime of luring or enticing a minor child for an unlawful purpose; providing for prosecuting an offender who has not been previously convicted of a violation involving sexual battery or a lewd or lascivious offense against a minor; increasing the penalty imposed for the offense of luring or enticing a minor child for an unlawful purpose; reenacting ss. 435.03(2)(j) and (k), 435.04(2)(k) and (l), 775.21(4), 903.133, 910.14, F.S., relating to screening standards, the Florida Sexual Predators Act, bail on appeal, and kidnapping, to incorporate the amendments to ss. 787.01, 787.02, 787.025, F.S., in references thereto; reenacting and amending s. 921.0022(3)(f), (i), and (j), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments to s. 787.02, F.S., in references thereto; conforming provisions to changes made by the act; reenacting ss. 943.0435(1)(a), 943.0585, 943.059, 944.606(1)(b), 944.607(1)(a), 948.01(15), 948.06(2)(a), F.S., relating to the registration of sexual offenders, expunction and court-ordered sealing of criminal history records, the definition of the term “sexual offender,” and probation and community control, to incorporate the amendments to ss. 787.01, 787.02, 787.025, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1026** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 98** was deferred.

RECONSIDERATION OF BILL

On motion by Senator Saunders, the rules were waived and the Senate reconsidered the vote by which—

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

—as amended passed this day.

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

Amendment 2 (984526)(with title amendment)—On page 1, line 9, insert:

Section 1. *This act may be cited as the “Jennifer Knight Medicaid Lung Transplant Act.”*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing a short title;

On motion by Senator Saunders, **CS for SB 2048** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President

Brown-Waite

Burt

Campbell

Carlton

Constantine

Cowin

Crist

Dawson

Diaz de la Portilla

Dyer

Futch

Garcia

Geller

Holzendorf

Jones

King

Klein

Latvala

Laurent

Lee

Meek

Miller

Mitchell

Peaden

Posey

Pruitt

Rossin

Sanderson

Saunders

Silver

Villalobos

Wasserman Schultz

Webster

Wise

Nays—None

Vote after roll call:

Yea—Lawson, Smith

On motion by Senator Silver—

SB 98—A bill to be entitled An act relating to regional cultural facilities; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant which is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 98** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 274** was deferred.

On motion by Senator Burt—

CS for SB 420—A bill to be entitled An act relating to consumer services; creating s. 468.90, F.S.; prohibiting employment agencies and assistance referral services from charging advance fees and not providing the promised services; defining terms; providing a criminal penalty; amending s. 484.0512, F.S.; providing a criminal penalty for sellers of hearing aids who fail to make required refunds; defining the terms “seller” and “person selling a hearing aid”; amending ss. 489.128, 489.532, F.S.; providing legislative intent that courts should order restitution in cases of unlicensed contracting; creating s. 501.162, F.S.; providing a criminal penalty for a violation of s. 501.160, F.S.; amending ss. 817.7005, 817.701, 817.702, 817.703, F.S.; prohibiting credit service organizations from accepting money in advance of performing services; conforming provisions to this prohibition; revising the content of an information statement to a buyer of services of a credit service organization to conform to federal provisions on the time period for requesting review of certain consumer reporting agency files; authorizing the Attorney General to enforce the Credit Repair Organizations Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 420** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 1212—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 18 years of age or older at the time the crime was commit-

ted may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1212** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 140—A bill to be entitled An act relating to public records; creating s. 817.569, F.S.; providing that it is a misdemeanor of the first degree to use a public record, or information obtained from a public record, to facilitate the commission of a misdemeanor of the first degree; providing that it is a felony of the third degree to use a public record, or information obtained from a public record, to facilitate the commission of a felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 140** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1636—A bill to be entitled An act relating to corrections; amending s. 944.02, F.S.; redefining the term “prisoner” for purposes of the state corrections code; providing penalties; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (232978)(with title amendment)—On page 1, lines 15-18, delete those lines and insert:

(6) “Prisoner” means any person who is under *civil or criminal* arrest and in the lawful custody of any law enforcement official, or any person ~~convicted and sentenced by any court and~~ committed to *or detained in* any municipal or county jail or state prison, prison farm,

And the title is amended as follows:

On page 1, line 5, delete “providing penalties;”

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

Consideration of **SB 1832** was deferred.

On motion by Senator Burt—

SB 932—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.121, F.S.; clarifying provisions governing vehicles approaching or entering intersections; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (694518)—On page 1, lines 26-31, delete those lines and insert:

(4) *The driver of a vehicle about to enter or cross a paved county-maintained road or highway from a paved or unpaved road that is not maintained by a governmental entity and not subject to control by an official traffic control device shall yield the right-of-way to all vehicles approaching on the county-maintained road or highway.*

Pursuant to Rule 4.19, **SB 932** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 728** was deferred.

On motion by Senator Sanderson—

SB 722—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; providing for a Breast Cancer Research license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a Breast Cancer Research license plate; providing for the distribution and use of fees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 722** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 1399** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Crist—

HB 1399—A bill to be entitled An act relating to sentencing; reenacting sections 2, 7, 8, and 12 of chapter 99-188, Laws of Florida; amending s. 775.082, F.S.; redefining the term “prison releasee reoffender”; revising legislative intent; creating s. 794.0115, F.S.; defining “repeat sexual batterer”; providing within the definition a category of enumerated felony offenses in violation of s. 794.011, F.S., relating to sexual battery; requiring the court to sentence a defendant as a repeat sexual batterer and impose a 10-year mandatory minimum term of imprisonment under specified circumstances when the defendant is to be sentenced for committing or attempting to commit any of the enumerated felony violations of s. 794.011, F.S., and the defendant has previously been convicted of committing or attempting to commit any one of certain enumerated felony offenses involving sexual battery; providing penalties; providing procedures and criteria for court determination if the defendant is a repeat sexual batterer; providing for sentencing as a repeat sexual batterer; providing for construction; amending s. 794.011, F.S., to conform references to changes made by the act; requiring the Governor to place public service announcements explaining the provisions of this act; further amending s. 775.082, F.S., to incorporate the amendments provided in chapter 2001-239, Laws of Florida, which redefined the term “prison releasee reoffender” to include a defendant who commits certain felonies within a specified period after being released from a correctional institution outside the state or while escaped from a correctional institution outside the state; providing requirements for sentencing a defendant if the state attorney proves by a preponderance of the evidence that the defendant is a prison releasee reoffender; providing for retroactive application of the reenacted provisions; providing effective dates.

—a companion measure, was substituted for **CS for SB 1964** and read the second time by title.

Pursuant to Rule 4.19, **HB 1399** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 1395** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Crist—

HB 1395—A bill to be entitled An act relating to sentencing; reenacting sections 4 and 12 of chapter 99-188, Laws of Florida; amending s. 784.07, F.S.; providing minimum terms of imprisonment for persons convicted of aggravated assault or aggravated battery of a law enforcement officer; requiring the Governor to place public service announcements explaining the provisions of this act; provides for retroactive application of the reenacted provisions; further amending s. 784.07, F.S., to incorporate amendments contained in chapters 99-3 and 99-248, Laws of Florida, to correct a cross reference; providing an effective date.

—a companion measure, was substituted for **SB 1966** and read the second time by title.

Pursuant to Rule 4.19, **HB 1395** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 1393** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Crist—

HB 1393—A bill to be entitled An act relating to sentencing; reenacting sections 5 and 12 of chapter 99-188, Laws of Florida; amending s. 784.08, F.S.; providing minimum terms of imprisonment for persons convicted of aggravated assault or aggravated battery of a person 65 years of age or older; requiring the Governor to place public service announcements explaining the provisions of this act; providing for retroactive application of the reenacted provisions; providing an effective date.

—a companion measure, was substituted for **SB 1968** and read the second time by title.

Pursuant to Rule 4.19, **HB 1393** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 1397** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Crist—

HB 1397—A bill to be entitled An act relating to sentencing; reenacting sections 1, 3, 6, and 12 of chapter 99-188, Laws of Florida; creating the “Three-Strike Violent Felony Offender Act”; amending s. 775.084, F.S., relating to sentencing of habitual felony offenders, habitual violent felony offenders, and violent career criminals; redefining the terms “habitual felony offender,” “habitual violent felony offender,” and “violent career criminal”; revising the alternative time periods within which the habitual felony offender, habitual violent felony offender, or violent career criminal could have committed the felony for which the sentence is to be imposed; providing that the felony for which the sentence is to be imposed could have been committed either while the defendant was serving a prison sentence or other sentence or supervision, or within 5 years after the defendant’s release from a prison sentence, probation, community control, or supervision or other sentence, under specified circumstances when the sentence was imposed as a result of a prior conviction for a felony, enumerated felony, or other qualified offense; removing certain references to “commitment” and otherwise conforming terminology; providing that the placing of a person on probation without an adjudication of guilt shall be treated as a prior conviction regardless of when the subsequent offense was committed; defining “three-time violent felony offender”; providing a category of enumerated felony offenses within the definition; requiring the court to sentence a defendant as a three-time violent felony offender and impose certain mandatory minimum terms of imprisonment under specified circumstances when the defendant is to be sentenced for committing or attempting to commit any of the enumerated felony offenses and the defendant has previously been convicted of committing or attempting to commit any two of the enumerated felony offenses; providing penalties; providing procedures and criteria for court determination if the defendant is a three-time violent felony offender; providing for sentencing as a three-time violent felony offender; providing mandatory term of imprisonment for life when the three-time violent felony offense for which the defendant is to be sentenced is a felony punishable by life; providing mandatory prison term of 30 years when the three-time violent felony offense is a first degree felony; providing mandatory prison term of 15 years when the three-time violent felony offense is a second degree felony; providing mandatory prison term of 5 years when the three-time violent felony offense is a third degree felony; providing for construction; providing for ineligibility of a three-time violent felony offender for parole, control release, or early release; amending s. 790.235, F.S., relating to prohibitions against, and penalties for, unlawful possession or other unlawful acts involving firearm, electric weapon or device, or concealed weapon by a violent career criminal; conforming cross references to changes made by the act; requiring the Governor to place public service announcements explaining the provisions of this act; providing for retroactive application of the reenacted provisions; further amending s.

775.084, F.S., to incorporate amendments contained in chapter 99-201, Laws of Florida; defining “violent career criminal”; providing effective dates.

—a companion measure, was substituted for **SB 1970** and read the second time by title.

Pursuant to Rule 4.19, **HB 1397** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 1401** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Crist—

HB 1401—A bill to be entitled An act relating to sentencing; reenacting sections 9, 10, and 12 of chapter 99-188, Laws of Florida; amending s. 893.135, F.S.; defining the term “cannabis plant”; providing mandatory minimum prison terms and mandatory fine amounts for trafficking in cannabis, cocaine, illegal drugs, phencyclidine, methaqualone, amphetamine, or flunitrazepam; providing for sentencing pursuant to the Criminal Punishment Code of offenders convicted of trafficking in specified quantities of cannabis; removing weight caps for various trafficking offenses; providing that an offender who is sentenced to a mandatory minimum term upon conviction of trafficking in specified quantities of cannabis, cocaine, illegal drugs, phencyclidine, methaqualone, amphetamine, or flunitrazepam is not eligible for certain discretionary early-release mechanisms prior to serving the mandatory minimum sentence; providing exceptions; providing penalties; reenacting s. 397.451(7), F.S., relating to the prohibition against dissemination of state funds to service providers convicted of certain offenses, s. 782.04(4)(a), F.S., relating to murder, s. 893.135(1), F.S., relating to lease or rent for the purpose of trafficking in a controlled substance, s. 903.133, F.S., relating to the prohibition against bail on appeal for certain felony convictions, s. 907.041(4)(b), F.S., relating to pretrial detention and release, s. 921.0022(3)(g), (h), and (i), F.S., relating to the Criminal Punishment Code offense severity ranking chart, s. 921.0024(1)(b), F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets, s. 921.142(2), F.S., relating to sentencing for capital drug trafficking felonies, s. 943.0585, F.S., relating to court-ordered expunction of criminal history records, and s. 943.059, F.S., relating to court-ordered sealing of criminal history records, to incorporate said amendment in references; further amending s. 893.135, F.S., to incorporate the provisions of chapter 2000-320, Laws of Florida, which revised certain penalties imposed for trafficking in controlled substances, deleted certain provisions requiring that an offender be sentenced under the Criminal Punishment Code, prohibited the sale, purchase, manufacture, or delivery of gamma-hydroxybutyric acid (GHB), 1,4-Butanediol, various drugs known as “Phenethylamines”, and provided penalties; further amending s. 893.135, F.S., to incorporate the provisions of chapters 2001-55 and 2001-57, Laws of Florida, which provided penalties for trafficking in certain mixtures containing hydrocodone, clarified legislative intent regarding the weighing of a mixture or mixtures containing certain controlled substances, created offenses for trafficking in Gamma-butyrolactone (GBL) and lysergic acid diethylamide (LSD), provided penalties, and amended scheduling references for trafficking in Gamma-hydroxybutyric acid (GHB) and 1, 4-Butanediol; requiring the Governor to place public service announcements explaining the provisions of this act; providing for retroactive application of the reenacted provisions; providing effective dates.

—a companion measure, was substituted for **SB 1972** and read the second time by title.

Pursuant to Rule 4.19, **HB 1401** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 1334—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2002 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2002 shall be effective immediately upon publication; providing that general laws enacted during the 2001 regular session and

prior thereto and not included in the Florida Statutes 2002 are repealed; providing that general laws enacted during the October 22-November 1, 2001, and November 27-December 6, 2001, special sessions and the 2002 regular session are not repealed by this adoption act.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (090220)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective July 4, 2000, section 11.2421, Florida Statutes (1997), is amended to read:

11.2421 Florida Statutes ~~2000~~ ~~1999~~ adopted.—The accompanying revision, consolidation, and compilation of the public statutes of ~~1999~~ ~~1997~~ of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, ~~together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes 1997 enacted in additional reviser's bill or bills by the 1999 Legislature,~~ is adopted and enacted as the official statute law of the state under the title of “Florida Statutes ~~2000~~ ~~1999~~” and shall take effect immediately upon publication. Said statutes may be cited as “Florida Statutes ~~2000~~ ~~1999~~,” “Florida Statutes,” or “F.S. ~~2000~~ ~~1999~~.”

Section 2. Effective July 3, 2001, section 11.2421, Florida Statutes (1997), as amended by section 1 of this act, is amended to read:

11.2421 Florida Statutes ~~2001~~ ~~2000~~ adopted.—The accompanying revision, consolidation, and compilation of the public statutes of ~~2000~~ ~~1999~~ of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, is adopted and enacted as the official statute law of the state under the title of “Florida Statutes ~~2001~~ ~~2000~~” and shall take effect immediately upon publication. Said statutes may be cited as “Florida Statutes ~~2001~~ ~~2000~~,” “Florida Statutes,” or “F.S. ~~2001~~ ~~2000~~.”

Section 3. Section 11.2421, Florida Statutes (1997), as amended by sections 1 and 2 of this act, is amended to read:

11.2421 Florida Statutes ~~2002~~ ~~2001~~ adopted.—The accompanying revision, consolidation, and compilation of the public statutes of ~~2001~~ ~~2000~~ of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, is adopted and enacted as the official statute law of the state under the title of “Florida Statutes ~~2002~~ ~~2001~~” and shall take effect immediately upon publication. Said statutes may be cited as “Florida Statutes ~~2002~~ ~~2001~~,” “Florida Statutes,” or “F.S. ~~2002~~ ~~2001~~.”

Section 4. Effective July 4, 2000, section 11.2422, Florida Statutes (1997), is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the *November 1997 special session or the regular 1998 and 1999 1997 legislative sessions* session, and every part of such statute, not included in Florida Statutes ~~2000~~ ~~1999~~, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 5. Effective July 3, 2001, section 11.2422, Florida Statutes (1997), as amended by section 4 of this act, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the ~~November 1997 special session or the regular 2000 1998 and 1999~~ legislative *session sessions*, and every part of such statute, not included in Florida Statutes ~~2001~~ ~~2000~~, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 6. Section 11.2422, Florida Statutes (1997), as amended by sections 4 and 5 of this act, is amended to read:

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the regular ~~2001~~ ~~2000~~ legislative session, and every part of such statute, not included in Florida Statutes ~~2002~~ ~~2001~~, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

Section 7. Effective July 4, 2000, section 11.2424, Florida Statutes (1997), is amended to read:

11.2424 Laws not repealed.—Laws enacted at the ~~2000 November 1997 special session, the 1998 regular session, and the 1999 regular~~ session are not repealed by the adoption and enactment of the Florida Statutes ~~2000~~ ~~1999~~ by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 8. Effective July 3, 2001, section 11.2424, Florida Statutes (1997), as amended by section 7 of this act, is amended to read:

11.2424 Laws not repealed.—Laws enacted at the ~~2001~~ ~~2000~~ regular session are not repealed by the adoption and enactment of the Florida Statutes ~~2001~~ ~~2000~~ by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 9. Section 11.2424, Florida Statutes (1997), as amended by sections 7 and 8 of this act, is amended to read:

11.2424 Laws not repealed.—Laws enacted at the *October 22-November 1, 2001, and November 27-December 6, 2001, special sessions and the 2002 2001* regular session are not repealed by the adoption and enactment of the Florida Statutes ~~2002~~ ~~2001~~ by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

Section 10. Effective July 4, 2000, section 11.2425, Florida Statutes (1997), is amended to read:

11.2425 Rights reserved under repealed or *adopted* statutes.—The repeal or *adoption* of any statute by the adoption and enactment of Florida Statutes ~~2000~~ ~~1999~~, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or *adoption* or any civil remedy where a suit is pending.

Section 11. Effective July 3, 2001, section 11.2425, Florida Statutes (1997), as amended by section 10 of this act, is amended to read:

11.2425 Rights reserved under repealed or adopted statutes.—The repeal or adoption of any statute by the adoption and enactment of Florida Statutes ~~2001~~ ~~2000~~, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or adoption or any civil remedy where a suit is pending.

Section 12. Section 11.2425, Florida Statutes (1997), as amended by sections 10 and 11 of this act, is amended to read:

11.2425 Rights reserved under repealed or adopted statutes.—The repeal or adoption of any statute by the adoption and enactment of Florida Statutes ~~2002~~ ~~2001~~, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or adoption or any civil remedy where a suit is pending.

Section 13. *It is the intent of the Legislature that the recodification of the Florida Statutes occur on an annual basis.*

Section 14. *The provisions of this act are of a remedial and curative nature and, to the extent permitted under the Constitution of the United States of America and the Constitution of the State of Florida, are intended to be applied retroactively.*

Section 15. Except as otherwise provided herein, this act shall take effect 60 days after the adjournment sine die of the 2002 regular session of the Florida Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2000, 2001, and 2002 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida

Statutes 2000 and 2001 shall be effective retroactively and that Florida Statutes 2002 shall be effective immediately upon publication; providing that general laws enacted during the November 1997 special session and the 1998, 1999, 2000, and 2001 sessions through the 2001 regular session that are not included in the Florida Statutes 2002 are repealed; providing that general laws enacted during the October 22-November 1, 2001, and November 27-December 6, 2001, special sessions and the 2002 regular session are not repealed by this adoption act; providing that this act does not affect civil lawsuits pending on the date laws are repealed or adopted by this act; providing that retroactive application shall apply only to the extent permitted by the Florida and United States Constitutions; providing effective dates.

The vote was:

Yeas—20

Mr. President	Jones	Pruitt
Campbell	Klein	Rossin
Carlton	Lawson	Silver
Dawson	Lee	Smith
Dyer	Meek	Villalobos
Geller	Miller	Wasserman Schultz
Holzendorf	Mitchell	

Nays—18

Brown-Waite	Futch	Sanderson
Burt	Garcia	Saunders
Constantine	Latvala	Sebesta
Cowin	Laurent	Sullivan
Crist	Peaden	Webster
Diaz de la Portilla	Posey	Wise

Vote after roll call:

Nay—King

Pursuant to Rule 4.19, **SB 1334** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 1020—A bill to be entitled An act relating to payment-card transactions; providing restrictions on the information that may be printed on receipts for certain payment-card transactions; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Burt and adopted:

Amendment 1 (513410)(with title amendment)—On page 2, between lines 16 and 17, insert:

(5) *The office of the state attorney may bring an action to enforce this section for each violation that occurs in or affects the judicial circuit under the office's jurisdiction. The appropriate county court has jurisdiction.*

And the title is amended as follows:

On page 1, line 5, after the second semicolon (;) insert: providing for enforcement;

Pursuant to Rule 4.19, **SB 1020** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

SB 962—A bill to be entitled An act relating to veterans; amending ss. 296.04, 296.34, F.S.; revising provisions relating to the state appointment and duties of the veterans' homes' administrators; defining duties of the administrators; eliminating a residency requirement; amending s. 296.11, F.S.; eliminating a requirement that certain interest be deposited into the Grants and Donations Trust Fund; amending s. 296.12,

F.S.; requiring an accounting of certain funds in the Residents' Deposits Trust Fund and eliminating a requirement that interest accrued in the fund be deposited into the Grants and Donations Trust Fund; amending s. 296.32, F.S.; authorizing more than one veterans' nursing home; amending s. 296.33, F.S.; revising definitions; amending s. 296.38, F.S.; requiring the accounting of certain funds; eliminating a requirement that interest accrued be deposited in the Grants and Donations Trust Fund; providing an effective date.

—was read the second time by title.

Senator Sanderson moved the following amendment which was adopted:

Amendment 1 (820282)(with title amendment)—On page 7, between lines 12 and 13, insert:

Section 8. *The state veterans' nursing home located in Bay County shall be designated as the "Clifford Chester Sims State Veterans' Nursing Home."*

Section 9. *The state veterans' nursing home located in Charlotte County shall be designated as the "Douglas T. Jacobson State Veterans' Nursing Home."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: designating the state veterans' nursing home in Bay County as the "Clifford Chester Sims State Veterans' Nursing Home"; designating the state veterans' nursing home in Charlotte County as the "Douglas T. Jacobson State Veterans' Nursing Home";

Pursuant to Rule 4.19, **SB 962** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING, continued

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. 100.011, F.S.; providing that a voter who is in line when the polls are scheduled to close must be allowed to vote; 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; 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.; modifying voting instruction requirements; 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.

—as amended February 28 was read the third time by title.

On motion by Senator Sanderson, **CS for SB 618** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Silver—

CS for SB 1806—A bill to be entitled An act relating to trust funds; amending s. 215.22, F.S.; providing an exemption to service charges for the Florida Center for Nursing Trust Fund; creating s. 464.0198, F.S.; creating the Florida Center for Nursing Trust Fund; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1806** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 1276—A bill to be entitled An act relating to access to health and human services; creating s. 408.911, F.S.; providing a short title; creating s. 408.912, F.S.; providing legislative findings and intent with respect to access to state-funded health services; creating s. 408.913, F.S.; requiring the Agency for Health Care Administration to establish as a pilot project a comprehensive health and human services eligibility access system; establishing requirements for each component of the system; creating s. 408.914, F.S.; requiring the Agency for Health Care Administration to phase in implementation of the comprehensive health and human services eligibility access system; specifying timeframes for each implementation phase; requiring that the agency submit a plan for statewide implementation to the Governor and Legislature; creating s. 408.915, F.S.; requiring the Agency for Health Care Administration to develop and implement a pilot project to integrate eligibility

determination and information and referral services; establishing requirements for the pilot project; establishing requirements for information and referral; specifying the scope of the project; authorizing the agency to request federal waivers; creating s. 408.916, F.S.; establishing the Health Care Access Steering Committee; providing for membership of the steering committee; providing duties; establishing an expiration date for the steering committee; creating s. 408.917, F.S.; requiring an evaluation of the pilot project; requiring a report to the Governor and Legislature; specifying issues to be addressed in the report; creating s. 408.918, F.S.; authorizing the planning, development, and implementation of the Florida 211 Network; providing objectives for the Florida 211 Network; requiring the Agency for Health Care Administration to establish criteria for certification of information and referral entities to participate in the Florida 211 Network; providing for revocation of 211 numbers from uncertified information and referral entities; providing for assistance in resolving disputes from the Public Service Commission and the Federal Communications Commission; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to contract with an entity providing prepaid or fixed-sum health care and social services to elderly recipients; amending s. 430.205, F.S.; requiring the Department of Elderly Affairs and the Agency for Health Care Administration to develop a managed, integrated long-term-care delivery system under a single entity; providing for a pilot project; specifying requirements of the pilot project; specifying requirements for payment rates and risk-sharing agreements; authorizing the Department of Elderly Affairs and the Agency for Health Care Administration to seek federal waivers to implement the pilot; specifying requirements for the Department of Children and Family Services and the Department of Elderly Affairs concerning eligibility determination and nursing home preadmission screening; requiring an evaluation of the pilot project; requiring a report to the Governor and Legislature; specifying issues to be addressed in this report; creating s. 430.041, F.S.; establishing the Office of Long-Term-Care Policy within the Department of Elderly Affairs; requiring the office to make recommendations for coordinating the services provided by state agencies; providing for the appointment of an advisory board to the Office of Long-Term-Care Policy; specifying membership in the advisory board; providing for reimbursement of per diem and travel expenses for members of the advisory board; requiring that the office submit an annual report to the Governor and Legislature; requiring assistance to the office by state agencies and universities; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendments which were adopted:

Amendment 1 (500318)—On page 8, line 27 through page 9, line 2, delete those lines and insert: *applicable state and federal confidentiality, financial, and insurance requirements;*

(e) *Includes an initial screening component for referring applicants to other health and human services programs provided through state agencies and the Florida Healthy Kids Corporation, including programs addressing developmental delays, developmental disabilities, chronic physical illness, mental health needs, substance-abuse treatment needs, elder and aging needs, and other health care needs; and*

(f) *Includes the level of customer service available to applicants and participants in the pilot project.*

Amendment 2 (805152)—On page 11, between lines 3 and 4, insert:

(f) *A representative of the Florida Healthy Kids Corporation.*

Amendment 3 (242848)—On page 13, line 22, delete "provider of information and referral services" and insert: *211 provider*

Amendment 4 (924460)—On page 22, line 15, before the period (.) insert: *, except that funds for Medicaid behavioral health care services are exempt from this section*

Pursuant to Rule 4.19, **CS for SB 1276** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 484—A bill to be entitled An act relating to sub-acute pediatric transitional care; requiring the Agency for Health Care Administration to conduct a study of health care services provided to

medically fragile or medical-technology-dependent children; requiring the Agency for Health Care Administration to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to amend the Medicaid state plan and seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership on the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment:

Amendment 1 (442306)—On page 4, lines 18-24, delete those lines and insert: *center's policies and procedures. Each Medicaid admission must be approved as appropriate for placement in the facility by the Children's Medical Services Multidisciplinary Assessment Team of the Department of Health, in conjunction with the Agency for Health Care Administration.*

(3) *Each child admitted to the center shall be admitted upon prescription of the medical director of the center, licensed pursuant to chapter 458 or chapter 459, and the child shall remain under the care of the medical director and the advanced registered nurse practitioner for the duration of his or her stay in the center.*

On motion by Senator Silver, further consideration of **CS for CS for SB 484** with pending **Amendment 1 (442306)** was deferred.

On motion by Senator Mitchell—

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

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1500** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

SB 274—A bill to be entitled An act relating to public records; amending s. 119.01, F.S.; establishing state policy with respect to public records; requiring that governmental agencies provide data in a common format; requiring governmental agencies to consider certain factors in designing or acquiring electronic recordkeeping systems; providing certain restrictions with respect to electronic recordkeeping systems and proprietary software; requiring governmental agencies to provide copies of public records stored in electronic recordkeeping systems; specifying circumstances under which the financial, business, and membership records of an organization are public records; amending s. 119.011, F.S.; providing definitions; repealing ss. 119.0115, 119.012, 119.02, F.S., relating to videotapes and video signals, records made public by use of public funds, and penalties; amending s. 119.021, F.S.; providing requirements for governmental agencies in maintaining and preserving public records; requiring the Division of Library and Information Services of the Department of State to adopt rules for retaining and disposing of public records; authorizing the division to provide for archiving certain noncurrent records; providing for the destruction of certain records and the continued maintenance of certain records; providing for the disposition of records at the end of an official's term of office; requiring that a custodian of public records demand delivery of records held unlawfully; repealing ss. 119.031, 119.041, 119.05, 119.06, F.S., relating to the retention and disposal of public records and the delivery of records held unlawfully; amending s. 119.07, F.S.; revising provisions governing the inspection and copying of public records; establishing fees for copying; providing requirements for making photographs; authorizing additional means of copying; repealing ss. 119.08, 119.083, F.S., relating to requirements for making photographs of public records and the licensing and sale of copyrighted data-processing software; amending s. 119.084, F.S.; deleting certain provisions governing the maintenance of public records in an electronic recordkeeping system; repealing ss. 119.085, 119.09, F.S., relating to remote electronic access to public records and

the program for records and information management of the Department of State; amending s. 119.10, F.S.; clarifying provisions with respect to penalties for a violation of ch. 119, F.S.; amending s. 119.105, F.S.; clarifying provisions under which certain police reports may be exempt from the public-records law; providing an effective date.

—was read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (570792)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 18.20, Florida Statutes, is amended to read:

18.20 Treasurer to make reproductions of certain warrants, records, and documents.—

(1) All vouchers or checks heretofore or hereafter drawn by appropriate court officials of the several counties of the state against money deposited with the Treasurer under the provisions of s. 43.17, and paid by the Treasurer, may be photographed, microphotographed, or reproduced on film by the Treasurer. Such photographic film shall be durable material and the device used to so reproduce such warrants, vouchers, or checks shall be one which accurately reproduces the originals thereof in all detail; and such photographs, microphotographs, or reproductions on film shall be placed in conveniently accessible and identified files and shall be preserved by the Treasurer as a part of the ~~permanent~~ records of office. When any such warrants, vouchers, or checks have been so photographed, microphotographed, or reproduced on film, and the photographs, microphotographs, or reproductions on film thereof have been placed in files as a part of the ~~permanent~~ records of the office of the Treasurer as aforesaid, the Treasurer is authorized to return such warrants, vouchers, or checks to the offices of the respective county officials who drew the same and such warrants, vouchers, or checks shall be retained and preserved in such offices to which returned as a part of the ~~permanent~~ records of such offices.

Section 2. Section 119.01, Florida Statutes, is amended to read:

119.01 General state policy on public records.—

(1) It is the policy of this state that all state, county, and municipal records ~~are shall be~~ open for personal inspection by any person ~~unless the records are exempt from inspection.~~

(2) ~~The Legislature finds that, given advancements in technology, Providing access to public records is a duty of each agency. by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.~~

(2)(3)(a) ~~The Legislature finds that providing access to public records is a duty of each agency and that Automation of public records must not erode the right of access to public those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must provide ensure reasonable public access to records electronically maintained and must keep information made exempt or confidential from being disclosed to the public.~~

(b) *An agency must consider when designing or acquiring an electronic recordkeeping system whether such system is capable of providing data in some common format such as, but not limited to, the American Standard Code for Information Interchange.*

(c) *An agency may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of the agency, including public records that are on-line or stored in an electronic recordkeeping system used by the agency.*

(d) *Subject to the restrictions of copyright and trade secret laws and public records exemptions, agency use of proprietary software must not diminish the right of the public to inspect and copy a public record.*

(e) *Providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the*

extent feasible. If an agency provides access to public records by remote electronic means, such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.

(f) Each agency that maintains a public record in an electronic recordkeeping system shall provide to any person, pursuant to this chapter, a copy of any public record in that system which is not exempted by law from public disclosure. An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium, and the agency may charge a fee in accordance with this chapter. For the purpose of satisfying a public records request, the fee to be charged by an agency if it elects to provide a copy of a public record in a medium not routinely used by the agency, or if it elects to compile information not routinely developed or maintained by the agency or that requires a substantial amount of manipulation or programming, must be in accordance with s. 119.07(4).

(3) If public funds are expended by an agency defined in s. 119.011(2) in payment of dues or membership contributions for any person, corporation, foundation, trust, association, group, or other organization, all the financial, business, and membership records of that person, corporation, foundation, trust, association, group, or other organization which pertain to the public agency are public records and subject to the provisions of s. 119.07.

~~(4) Each agency shall establish a program for the disposal of records that do not have sufficient legal, fiscal, administrative, or archival value in accordance with retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State.~~

Section 3. Section 119.011, Florida Statutes, is amended to read:

119.011 Definitions.—As used in ~~For the purpose of~~ this chapter, the term:

(1) “Actual cost of duplication” means the cost of the material and supplies used to duplicate the public record, but it does not include the labor cost or overhead cost associated with such duplication. ~~“Public records” means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.~~

(2) “Agency” means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

(3)(a) “Criminal intelligence information” means information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.

(b) “Criminal investigative information” means information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.

(c) “Criminal intelligence information” and “criminal investigative information” shall not include:

1. The time, date, location, and nature of a reported crime.
2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.07(6)(3)(f).
3. The time, date, and location of the incident and of the arrest.
4. The crime charged.
5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.07(6)(3)(f), and, except

that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of s. 119.07(1) until released at trial if it is found that the release of such information would:

- a. Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness; and
 - b. Impair the ability of a state attorney to locate or prosecute a codefendant.
6. Informations and indictments except as provided in s. 905.26.
- (d) The word “active” shall have the following meaning:

1. Criminal intelligence information shall be considered “active” as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.

2. Criminal investigative information shall be considered “active” as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

In addition, criminal intelligence and criminal investigative information shall be considered “active” while such information is directly related to pending prosecutions or appeals. The word “active” shall not apply to information in cases which are barred from prosecution under the provisions of s. 775.15 or other statute of limitation.

(4) “Criminal justice agency” means:

(a) Any law enforcement agency, court, or prosecutor; ~~The term also includes~~

(b) Any other agency charged by law with criminal law enforcement duties; ~~or~~

(c) Any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution or for the purpose of litigating civil actions under the Racketeer Influenced and Corrupt Organization Act, during the time that such agencies are in possession of criminal intelligence information or criminal investigative information pursuant to their criminal law enforcement duties; ~~or The term also includes~~

(d) The Department of Corrections.

(5) “Custodian of public records” means the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.

(6) “Data processing software” means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

(7) “Duplicated copies” means new copies produced by duplicating, as defined in s. 283.30.

(8) “Exemption” means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of s. 119.07(1), s. 286.011, or s. 24, Art. I of the State Constitution.

(9) “Information technology resources” has the meaning ascribed in s. 282.0041(7).

(10) “Proprietary software” means data processing software that is protected by copyright or trade secret laws.

(11) “Public records” means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

(12) "Sensitive," for purposes of defining agency-produced software that is sensitive, means only those portions of data processing software, including the specifications and documentation, which are used to:

(a) Collect, process, store, and retrieve information that is exempt from s. 119.07(1);

(b) Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or

(c) Control and direct access authorizations and security measures for automated systems.

Section 4. Sections 119.0115, 119.012, and 119.02, Florida Statutes, are repealed.

Section 5. Section 119.021, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 119.021, F.S., for present text.)

119.021 Custodial requirements; maintenance, preservation, and retention of public records.—

(1) Public records shall be maintained and preserved as follows:

(a) All public records should be kept in the buildings in which they are ordinarily used.

(b) Insofar as practicable, a custodian of public records of vital, permanent, or archival records shall keep them in fireproof and waterproof safes, vaults, or rooms fitted with noncombustible materials and in such arrangement as to be easily accessible for convenient use.

(c)1. Record books should be copied or repaired, renovated, or rebound if worn, mutilated, damaged, or difficult to read.

2. Whenever any state, county, or municipal records are in need of repair, restoration, or rebinding, the head of the concerned state agency, department, board, or commission; the board of county commissioners of such county; or the governing body of such municipality may authorize that such records be removed from the building or office in which such records are ordinarily kept for the length of time required to repair, restore, or rebind them.

3. Any public official who causes a record book to be copied shall attest and certify under oath that the copy is an accurate copy of the original book. The copy shall then have the force and effect of the original.

(2)(a) The Division of Library and Information Services of the Department of State shall adopt rules to establish retention schedules and a disposal process for public records.

(b) Each agency shall comply with the rules establishing retention schedules and disposal processes for public records which are adopted by the records and information management program of the division.

(c) Every public official shall systematically dispose of records no longer needed, subject to the consent of the records and information management program of the division in accordance with s. 257.36.

(d) The division may ascertain the condition of public records and shall give advice and assistance to public officials to solve problems related to the preservation, creation, filing, and public accessibility of public records in their custody. Public officials shall assist the division by preparing an inclusive inventory of categories of public records in their custody. The division shall establish a time period for the retention or disposal of each series of records. Upon the completion of the inventory and schedule, the division shall, subject to the availability of necessary space, staff, and other facilities for such purposes, make space available in its records center for the filing of semicurrent records so scheduled and in its archives for noncurrent records of permanent value, and shall render such other assistance as needed, including the microfilming of records so scheduled.

(3) Agency orders that comprise final agency action and that must be indexed or listed pursuant to s. 120.53 have continuing legal significance; therefore, notwithstanding any other provision of this chapter or any provision of chapter 257, each agency shall permanently maintain records of such orders pursuant to the applicable rules of the Department of State.

(4)(a) Whoever has custody of any public records shall deliver, at the expiration of his or her term of office, to his or her successor or, if there be none, to the records and information management program of the Division of Library and Information Services of the Department of State, all public records kept or received by him or her in the transaction of official business.

(b) Whoever is entitled to custody of public records shall demand them from any person having illegal possession of them, who must forthwith deliver the same to him or her. Any person unlawfully possessing public records must within 10 days deliver such records to the lawful custodian of public records unless just cause exists for failing to deliver such records.

Section 6. Sections 119.031, 119.041, 119.05, and 119.06, Florida Statutes, are repealed.

Section 7. Section 119.07, Florida Statutes, as amended by chapter 2001-364, Laws of Florida, is amended to read:

119.07 Inspection, ~~examination~~, and copying ~~duplication~~ of records; fees; exemptions.—

(1)(a) Every person who has custody of a public record shall permit the record to be inspected and copied ~~examined~~ by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records ~~record or the custodian's designee~~.

(b) A person who has custody of a public record who asserts that an exemption applies to a part of such record shall delete or excise from a copy of that record that portion of the record to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and copying.

(c) If the person who has custody of a public record contends that the record or part of it is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

(d) If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt.

(e) In any civil action in which an exemption to this section is asserted, if the exemption is alleged to exist under or by virtue of paragraph (6)(c), paragraph (6)(d), paragraph (6)(e), paragraph (6)(k), paragraph (6)(l), or paragraph (6)(o), the public record or part thereof in question shall be submitted to the court for an inspection in camera. If an exemption is alleged to exist under or by virtue of paragraph (6)(b), an inspection in camera will be discretionary with the court. If the court finds that the asserted exemption is not applicable, it shall order the public record or part thereof in question to be immediately produced for inspection or copying as requested by the person seeking such access.

(f) Even if an assertion is made by the custodian of public records that a requested record is not a public record subject to public inspection or copying under this subsection, the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian of public records by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian of public records may not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.

(g) The absence of a civil action instituted for the purpose stated in paragraph (e) does not relieve the custodian of public records of the duty to maintain the record as a public record if the record is in fact a public record subject to public inspection and copying under this subsection and does not otherwise excuse or exonerate the custodian of public records from any unauthorized or unlawful disposition of such record.

(2)(a) Any person shall have the right of access to public records for the purpose of making photographs of the record while in the possession, custody, and control of the custodian of public records.

(b) This subsection applies to the making of photographs in the conventional sense by use of a camera device to capture images of public

records but excludes the duplication of microfilm in the possession of the clerk of the circuit court where a copy of the microfilm may be made available by the clerk.

(c) Photographing public records shall be done under the supervision of the custodian of public records, who may adopt and enforce reasonable rules governing the work.

(d) Photographing of public records shall be done in the room where the public records are kept. If, in the judgment of the custodian of public records, this is impossible or impracticable, the work shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, to be determined by the custodian of public records. Where provision of another room or place for photographing is required, the expense of providing the same shall be paid by the person desiring to photograph the public record pursuant to paragraph (4)(e).

(3)(a) As an additional means of inspecting or copying public records, a custodian of public records may provide access to public records by remote electronic means, provided confidential or exempt information is not disclosed.

(b) The custodian of public records shall provide safeguards to protect the contents of public records from unauthorized remote electronic access or alteration and to prevent the disclosure or modification of those portions of public records which are exempt from subsection (1) or s. 24, Art. I of the State Constitution.

(c) Unless otherwise required by law, the custodian of public records may charge a fee for remote electronic access, granted under a contractual arrangement with a user, which fee may include the direct and indirect costs of providing such access. Fees for remote electronic access provided to the general public shall be in accordance with the provisions of this section.

(4) The custodian of public records shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law. ~~or~~ If a fee is not prescribed by law, the following fees are authorized:

(a)1. Up to 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 8 1/2 inches;

2. An agency may charge no more than an additional 5 cents for each two-sided copy; ~~upon payment of not more than 15 cents per one-sided copy; and~~

3. For all other copies, ~~upon payment of the actual cost of duplication of the public record. An agency may charge no more than an additional 5 cents for each two-sided duplicated copy. For purposes of this section, duplicated copies shall mean new copies produced by duplicating, as defined in s. 283.30. The phrase "actual cost of duplication" means the cost of the material and supplies used to duplicate the record, but it does not include the labor cost or overhead cost associated with such duplication. However,~~

(b) The charge for copies of county maps or aerial photographs supplied by county constitutional officers may also include a reasonable charge for the labor and overhead associated with their duplication. Unless otherwise provided by law, the fees to be charged for duplication of public records shall be collected, deposited, and accounted for in the manner prescribed for other operating funds of the agency.

(c) An agency may charge up to \$1 per copy for a certified copy of a public record.

(d)(b) If the nature or volume of public records requested to be inspected, ~~examined~~, or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.

(e)1. Where provision of another room or place is necessary to photograph public records, the expense of providing the same shall be paid by the person desiring to photograph the public records.

2. The custodian of public records may charge the person making the photographs for supervision services at a rate of compensation to be agreed upon by the person desiring to make the photographs and the custodian of public records. If they fail to agree as to the appropriate charge, then the charge is to be determined by the custodian of public records. ~~"Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.~~

(5)(e) When ballots are produced under this section for inspection or examination, no persons other than the supervisor of elections or the supervisor's employees shall touch the ballots. The supervisor of elections shall make a reasonable effort to notify all candidates by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

(2)(a) ~~A person who has custody of a public record and who asserts that an exemption provided in subsection (3) or in a general or special law applies to a particular public record or part of such record shall delete or excise from the record only that portion of the record with respect to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and examination. If the person who has custody of a public record contends that the record or part of it is exempt from inspection and examination, he or she shall state the basis of the exemption which he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute, and, if requested by the person seeking the right under this subsection to inspect, examine, or copy the record, he or she shall state in writing and with particularity the reasons for the conclusion that the record is exempt.~~

(b) In any civil action in which an exemption to subsection (1) is asserted, if the exemption is alleged to exist under or by virtue of paragraph (e), paragraph (d), paragraph (c), paragraph (k), paragraph (l), or paragraph (o) of subsection (3), the public record or part thereof in question shall be submitted to the court for an inspection in camera. If an exemption is alleged to exist under or by virtue of paragraph (b) of subsection (3), an inspection in camera will be discretionary with the court. If the court finds that the asserted exemption is not applicable, it shall order the public record or part thereof in question to be immediately produced for inspection, examination, or copying as requested by the person seeking such access.

(c) Even if an assertion is made by the custodian of a public record that a requested record is not a public record subject to public inspection and examination under subsection (1), the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written request requesting the right to inspect, examine, or copy the record was served on or otherwise made to the custodian of the record by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian shall not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.

(d) The absence of a civil action instituted for the purpose stated in paragraph (c) will not relieve the custodian of the duty to maintain the record as a public record if the record is in fact a public record subject to public inspection and examination under subsection (1) and will not otherwise excuse or exonerate the custodian from any unauthorized or unlawful disposition of such record.

(6)(3)(a) Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. A person who has taken such an examination shall have the right to review his or her own completed examination.

(b)1. Active criminal intelligence information and active criminal investigative information are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

2. A request of a law enforcement agency to inspect or copy a public record that is in the custody of another agency, the custodian's response to the request, and any information that would identify the public record that was requested by the law enforcement agency or provided by the custodian are exempt from the requirements of subsection (1) and s.

24(a), Art. I of the State Constitution, during the period in which the information constitutes *criminal intelligence* information or *criminal investigative* information that is active. This exemption is remedial in nature and it is the intent of the Legislature that the exemption be applied to requests for information received before, on, or after the effective date of this subparagraph. The law enforcement agency shall give notice to the custodial agency when the *criminal intelligence* information or *criminal investigative* information is no longer active, so that the custodian's response to the request and information that would identify the public record requested are available to the public. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

(c) Any information revealing the identity of a confidential informant or a confidential source is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(d) Any information revealing surveillance techniques or procedures or personnel is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to emergencies, as defined in s. 252.34(3), are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Department of Community Affairs as having an official need for access to the inventory or comprehensive policies or plans.

(e) Any information revealing undercover personnel of any criminal justice agency is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(f) Any criminal intelligence information or criminal investigative information including the photograph, name, address, or other fact or information which reveals the identity of the victim of the crime of sexual battery as defined in chapter 794; the identity of the victim of a lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age, as defined in chapter 800; or the identity of the victim of the crime of child abuse as defined by chapter 827 and any criminal intelligence information or criminal investigative information or other criminal record, including those portions of court records and court proceedings, which may reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in chapter 794, chapter 800, or chapter 827, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(g) Any criminal intelligence information or criminal investigative information which reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of the crime, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(h) All criminal intelligence and criminal investigative information received by a criminal justice agency prior to January 25, 1979, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(i)1. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from the provisions of subsection (1). The home addresses, telephone numbers,

and photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from subsection (1). The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1). The home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution.

2. The home addresses, telephone numbers, social security numbers, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

3. The home addresses, telephone numbers, social security numbers, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

4. An agency that is the custodian of the personal information specified in subparagraph 1., subparagraph 2., or subparagraph 3. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 1., subparagraph 2., or subparagraph 3. shall maintain the *exempt status* confidentiality of the personal information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for *maintenance of the exemption* confidentiality to the custodial agency.

(j) Any information provided to an agency of state government or to an agency of a political subdivision of the state for the purpose of forming ridesharing arrangements, which information reveals the identity of an individual who has provided his or her name for ridesharing, as defined in s. 341.031, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(k) Any information revealing the substance of a confession of a person arrested is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, until such time as the criminal case is finally determined by adjudication, dismissal, or other final disposition.

(l)1. A public record which was prepared by an agency attorney (including an attorney employed or retained by the agency or employed or retained by another public officer or agency to protect or represent the interests of the agency having custody of the record) or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency, and

which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until the conclusion of the litigation or adversarial administrative proceedings. For purposes of capital collateral litigation as set forth in s. 27.7001, the Attorney General's office is entitled to claim this exemption for those public records prepared for direct appeal as well as for all capital collateral litigation after direct appeal until execution of sentence or imposition of a life sentence.

2. This exemption is not waived by the release of such public record to another public employee or officer of the same agency or any person consulted by the agency attorney. When asserting the right to withhold a public record pursuant to this paragraph, the agency shall identify the potential parties to any such criminal or civil litigation or adversarial administrative proceedings. If a court finds that the document or other record has been improperly withheld under this paragraph, the party seeking access to such document or record shall be awarded reasonable attorney's fees and costs in addition to any other remedy ordered by the court.

(m) Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) or within 10 days after bid or proposal opening, whichever is earlier.

(n) When an agency of the executive branch of state government seeks to acquire real property by purchase or through the exercise of the power of eminent domain all appraisals, other reports relating to value, offers, and counteroffers must be in writing and are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until execution of a valid option contract or a written offer to sell that has been conditionally accepted by the agency, at which time the exemption shall expire. The agency shall not finally accept the offer for a period of 30 days in order to allow public review of the transaction. The agency may give conditional acceptance to any option or offer subject only to final acceptance by the agency after the 30-day review period. If a valid option contract is not executed, or if a written offer to sell is not conditionally accepted by the agency, then the exemption from the provisions of this chapter shall expire at the conclusion of the condemnation litigation of the subject property. An agency of the executive branch may exempt title information, including names and addresses of property owners whose property is subject to acquisition by purchase or through the exercise of the power of eminent domain, from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution to the same extent as appraisals, other reports relating to value, offers, and counteroffers. For the purpose of this paragraph, "option contract" means an agreement of an agency of the executive branch of state government to purchase real property subject to final agency approval. This paragraph shall have no application to other exemptions from the provisions of subsection (1) which are contained in other provisions of law and shall not be construed to be an express or implied repeal thereof.

(o) Data processing software obtained by an agency under a licensing agreement which prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software which is sensitive are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. The designation of agency-produced software as sensitive shall not prohibit an agency head from sharing or exchanging such software with another public agency. ~~As used in this paragraph:~~

1. ~~"Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.~~

2. ~~"Sensitive" means only those portions of data processing software, including the specifications and documentation, used to:~~

~~a. Collect, process, store, and retrieve information which is exempt from the provisions of subsection (1);~~

~~b. Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or~~

~~e. Control and direct access authorizations and security measures for automated systems.~~

(p) All complaints and other records in the custody of any unit of local government which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, marital status, sale or rental of housing, the provision of brokerage services, or the financing of housing are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding. This provision shall not affect any function or activity of the Florida Commission on Human Relations. Any state or federal agency which is authorized to have access to such complaints or records by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section. This paragraph shall not be construed to modify or repeal any special or local act.

(q) All complaints and other records in the custody of any agency in the executive branch of state government which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status in connection with hiring practices, position classifications, salary, benefits, discipline, discharge, employee performance, evaluation, or other related activities are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding. This provision shall not affect any function or activity of the Florida Commission on Human Relations. Any state or federal agency which is authorized to have access to such complaints or records by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section.

(r) All records supplied by a telecommunications company, as defined by s. 364.02, to a state or local governmental agency which contain the name, address, and telephone number of subscribers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(s)1. Any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. Any information not otherwise held confidential or exempt from the provisions of subsection (1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section.

2. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime described in this subparagraph, is confidential and exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. Any governmental agency that is authorized to have access to such statements by any provision of law shall be granted such access in the furtherance of the agency's statutory duties, notwithstanding the provisions of this

section. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003.

3. A public employee or officer who has access to the videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, may not willfully and knowingly disclose videotaped information that reveals that minor's identity to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense.

4. A person who violates subparagraph 3. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(t) Any financial statement which an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(u) Where the alleged victim chooses not to file a complaint and requests that records of the complaint remain confidential, all records relating to an allegation of employment discrimination are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(v) Medical information pertaining to a prospective, current, or former officer or employee of an agency which, if disclosed, would identify that officer or employee is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. However, such information may be disclosed if the person to whom the information pertains or the person's legal representative provides written permission or pursuant to court order.

(w)1. If certified pursuant to subparagraph 2., an investigatory record of the Chief Inspector General within the Executive Office of the Governor or of the employee designated by an agency head as the agency inspector general under s. 112.3189 is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active, or a report detailing the investigation is provided to the Governor or the agency head, or 60 days from the inception of the investigation for which the record was made or received, whichever first occurs. Investigatory records are those records which are related to the investigation of an alleged, specific act or omission or other wrongdoing, with respect to an identifiable person or group of persons, based on information compiled by the Chief Inspector General or by an agency inspector general, as named under the provisions of s. 112.3189, in the course of an investigation. An investigation is active if it is continuing with a reasonable, good faith anticipation of resolution and with reasonable dispatch.

2. The Governor, in the case of the Chief Inspector General, or agency head, in the case of an employee designated as the agency inspector general under s. 112.3189, may certify such investigatory records require an exemption to protect the integrity of the investigation or avoid unwarranted damage to an individual's good name or reputation. The certification shall specify the nature and purpose of the investigation and shall be kept with the exempt records and made public when the records are made public.

3. The provisions of this paragraph do not apply to whistle-blower investigations conducted pursuant to the provisions of ss. 112.3187, 112.3188, 112.3189, and 112.31895.

(x) The social security numbers of all current and former agency employees which numbers are contained in agency employment records are exempt from subsection (1) and exempt from s. 24(a), Art. I of the State Constitution. As used in this paragraph, the term "agency" means an agency as defined in s. 119.011.

(y) The audit report of an internal auditor prepared for or on behalf of a unit of local government becomes a public record when the audit becomes final. As used in this paragraph, "unit of local government" means a county, municipality, special district, local agency, authority, consolidated city-county government, or any other local governmental

body or public body corporate or politic authorized or created by general or special law. An audit becomes final when the audit report is presented to the unit of local government. Audit workpapers and notes related to such audit report are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until the audit is completed and the audit report becomes final.

~~(z) Bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of any fee or debt owing are confidential and exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. However, such numbers may be used by an agency, as needed, in any administrative or judicial proceeding, provided such numbers are kept confidential and exempt, unless otherwise ordered by the court. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.~~

(z)(aa) Any data, record, or document used directly or solely by a municipally owned utility to prepare and submit a bid relative to the sale, distribution, or use of any service, commodity, or tangible personal property to any customer or prospective customer shall be exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. This exemption commences when a municipal utility identifies in writing a specific bid to which it intends to respond. This exemption no longer applies when the contract for sale, distribution, or use of the service, commodity, or tangible personal property is executed, a decision is made not to execute such contract, or the project is no longer under active consideration. The exemption in this paragraph includes the bid documents actually furnished in response to the request for bids. However, the exemption for the bid documents submitted no longer applies after the bids are opened by the customer or prospective customer.

(aa)(bb) Upon a request made in a form designated by the Department of Highway Safety and Motor Vehicles, personal information contained in a motor vehicle record that identifies the requester is exempt from subsection (1) and s. 24(a), Art. I of the State Constitution except as provided in this paragraph. Personal information includes, but is not limited to, the requester's social security number, driver identification number, name, address, telephone number, and medical or disability information. For purposes of this paragraph, personal information does not include information relating to vehicular crashes, driving violations, and driver's status. Such request may be made only by the person who is the subject of the motor vehicle record. For purposes of this paragraph, "motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles. Personal information contained in motor vehicle records exempted by an individual's request pursuant to this paragraph shall be released by the department for any of the following uses:

1. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers, to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

2. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions.

3. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers.

4. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

- a. To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

b. If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

5. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or agency or before any self-regulatory body for:

- a. Service of process by any certified process server, special process server, or other person authorized to serve process in this state.
- b. Investigation in anticipation of litigation by an attorney licensed to practice law in this state or the agent of the attorney.
- c. Investigation by any person in connection with any filed proceeding.
- d. Execution or enforcement of judgments and orders.
- e. Compliance with an order of any court.

6. For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

7. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

8. For use in providing notice to the owners of towed or impounded vehicles.

9. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this paragraph. Personal information obtained based on an exempt driver's record may not be provided to a client who cannot demonstrate a need based on a police report, court order, or a business or personal relationship with the subject of the investigation.

10. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App. 2710 et seq.

11. For use in connection with the operation of private toll transportation facilities.

12. For bulk distribution for surveys, marketing, or solicitations when the department has implemented methods and procedures to ensure that:

- a. Individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and
- b. The information will be used, rented, or sold solely for bulk distribution for survey, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have timely requested that they not be directed at them.

13. For any use if the requesting person demonstrates that he or she has obtained the written consent of the person who is the subject of the motor vehicle record.

14. For any other use specifically authorized by state law, if such use is related to the operation of a motor vehicle or public safety.

Personal information exempted from public disclosure according to this paragraph may be disclosed by the Department of Highway Safety and Motor Vehicles to an individual, firm, corporation, or similar business entity whose primary business interest is to resell or redisclose the personal information to persons who are authorized to receive such information. Prior to the department's disclosure of personal information, such individual, firm, corporation, or similar business entity must first enter into a contract with the department regarding the care, custody, and control of the personal information to ensure compliance with the federal Driver's Privacy Protection Act of 1994 and applicable state laws. An authorized recipient of personal information contained in a motor vehicle record, except a recipient under subparagraph 12., may

contract with the Department of Highway Safety and Motor Vehicles to resell or redisclose the information for any use permitted under this paragraph. However, only authorized recipients of personal information under subparagraph 12. may resell or redisclose personal information pursuant to subparagraph 12. Any authorized recipient who resells or rediscloses personal information shall maintain, for a period of 5 years, records identifying each person or entity that receives the personal information and the permitted purpose for which it will be used. Such records shall be made available for inspection upon request by the department. The department shall adopt rules to carry out the purposes of this paragraph and the federal Driver's Privacy Protection Act of 1994, Title XXX, Pub. L. No. 103-322. Rules adopted by the department shall provide for the payment of applicable fees and, prior to the disclosure of personal information pursuant to this paragraph, shall require the meeting of conditions by the requesting person for the purposes of obtaining reasonable assurance concerning the identity of such requesting person, and, to the extent required, assurance that the use will be only as authorized or that the consent of the person who is the subject of the personal information has been obtained. Such conditions may include, but need not be limited to, the making and filing of a written application in such form and containing such information and certification requirements as the department requires.

(bb)(ee)1. Medical history records, bank account numbers, credit card numbers, telephone numbers, and information related to health or property insurance furnished by an individual to any agency pursuant to federal, state, or local housing assistance programs are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. Any other information produced or received by any private or public entity in direct connection with federal, state, or local housing assistance programs, unless the subject of another federal or state exemption, is subject to subsection (1).

2. Governmental agencies or their agents are entitled to access to the records specified in this paragraph for the purposes of auditing federal, state, or local housing programs or housing assistance programs. Such records may be used by an agency, as needed, in any administrative or judicial proceeding, provided such records are kept confidential and exempt, unless otherwise ordered by a court.

3. This paragraph is repealed effective October 2, 2003, and must be reviewed by the Legislature before that date in accordance with s. 119.15, the Open Government Sunset Review Act of 1995.

(cc)(dd) All personal identifying information; bank account numbers; and debit, charge, and credit card numbers contained in records relating to an individual's personal health or eligibility for health-related services made or received by the Department of Health or its service providers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in this paragraph. Information made confidential and exempt by this paragraph shall be disclosed:

- 1. With the express written consent of the individual or the individual's legally authorized representative.
- 2. In a medical emergency, but only to the extent necessary to protect the health or life of the individual.
- 3. By court order upon a showing of good cause.
- 4. To a health research entity, if the entity seeks the records or data pursuant to a research protocol approved by the department, maintains the records or data in accordance with the approved protocol, and enters into a purchase and data-use agreement with the department, the fee provisions of which are consistent with *subsection (4) paragraph (1)(a)*. The department may deny a request for records or data if the protocol provides for intrusive follow-back contacts, has not been approved by a human studies institutional review board, does not plan for the destruction of confidential records after the research is concluded, is administratively burdensome, or does not have scientific merit. The agreement must restrict the release of any information, which would permit the identification of persons, limit the use of records or data to the approved research protocol, and prohibit any other use of the records or data. Copies of records or data issued pursuant to this subparagraph remain the property of the department.

This paragraph is subject to the Open Government Sunset Review Act of 1995, in accordance with s. 119.15, and shall stand repealed on Octo-

ber 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

(~~dd~~) Any videotape or video signal which, under an agreement with an agency, is produced, made, or received by, or is in the custody of, a federally licensed radio or television station or its agent is exempt from this chapter.

(7)(4) Nothing in this section shall be construed to exempt from subsection (1) a public record which was made a part of a court file and which is not specifically closed by order of court, except as provided in paragraphs (c), (d), (e), (k), (l), and (o) of subsection (6) (~~3~~) and except information or records which may reveal the identity of a person who is a victim of a sexual offense as provided in paragraph (f) of subsection (6) (~~3~~).

(8)(5) An exemption from this section does not imply an exemption from or exception to s. 286.011. The exemption from or exception to s. 286.011 must be expressly provided.

(9)(6) Nothing in subsection (6) (~~3~~) or any other general or special law shall limit the access of the Auditor General, the Office of Program Policy Analysis and Government Accountability, or any state, county, municipal, university, board of community college, school district, or special district internal auditor to public records when such person states in writing that such records are needed for a properly authorized audit, examination, or investigation. Such person shall maintain the ~~confidential or exempt status~~ confidentiality of a ~~any public record records~~ that is ~~are~~ confidential or exempt from the provisions of subsection (1), and shall be subject to the same penalties as the ~~custodian custodians~~ of that record ~~those public records~~ for public disclosure of such record ~~violating confidentiality~~.

(10)(7)(a) Any person or organization, including the Department of Children and Family Services, may petition the court for an order making public the records of the Department of Children and Family Services that pertain to investigations of alleged abuse, neglect, abandonment, or exploitation of a child or a vulnerable adult. The court shall determine if good cause exists for public access to the records sought or a portion thereof. In making this determination, the court shall balance the best interest of the vulnerable adult or child who is the focus of the investigation, and in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. The public interest in access to such records is reflected in s. 119.01(1), and includes the need for citizens to know of and adequately evaluate the actions of the Department of Children and Family Services and the court system in providing vulnerable adults and children of this state with the protections enumerated in ss. 39.001 and 415.101. However, this subsection does not contravene ss. 39.202 and 415.107, which protect the name of any person reporting the abuse, neglect, or exploitation of a child or a vulnerable adult.

(b) In cases involving serious bodily injury to a child or a vulnerable adult, the Department of Children and Family Services may petition the court for an order for the immediate public release of records of the department which pertain to the protective investigation. The petition must be personally served upon the child or vulnerable adult, the child's parents or guardian, the legal guardian of that person, if any, and any person named as an alleged perpetrator in the report of abuse, neglect, abandonment, or exploitation. The court must determine if good cause exists for the public release of the records sought no later than 24 hours, excluding Saturdays, Sundays, and legal holidays, after the date the department filed the petition with the court. If the court has neither granted nor denied the petition within the 24-hour time period, the department may release to the public summary information including:

1. A confirmation that an investigation has been conducted concerning the alleged victim.
2. The dates and brief description of procedural activities undertaken during the department's investigation.
3. The date of each judicial proceeding, a summary of each participant's recommendations made at the judicial proceedings, and the rulings of the court.

The summary information may not include the name of, or other identifying information with respect to, any person identified in any investigation. In making a determination to release confidential information, the

court shall balance the best interests of the vulnerable adult or child who is the focus of the investigation and, in the case of the child, the interests of that child's siblings, together with the privacy rights of other persons identified in the reports against the public interest for access to public records. However, this paragraph does not contravene ss. 39.202 and 415.107, which protect the name of any person reporting abuse, neglect, or exploitation of a child or a vulnerable adult.

(c) When the court determines that good cause for public access exists, the court shall direct that the department redact the name of and other identifying information with respect to any person identified in any protective investigation report until such time as the court finds that there is probable cause to believe that the person identified committed an act of alleged abuse, neglect, or abandonment.

(11)(8) The provisions of this section are not intended to expand or limit the provisions of Rule 3.220, Florida Rules of Criminal Procedure, regarding the right and extent of discovery by the state or by a defendant in a criminal prosecution or in collateral postconviction proceedings. This section may not be used by any inmate as the basis for failing to timely litigate any postconviction action.

Section 8. Sections 119.08 and 119.083, Florida Statutes, are repealed.

Section 9. Section 119.084, Florida Statutes, is amended to read:

119.084 Definitions; copyright of data processing software created by governmental agencies; sale price and licensing fee; ~~access to public records; prohibited contracts.~~

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

(a) "agency" has the same meaning as in s. 119.011(2), except that the term does not include any private agency, person, partnership, corporation, or business entity.

(b) "~~Data processing software~~" means ~~the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.~~

(c) "~~Proprietary software~~" means ~~data processing software that is protected by copyright or trade secret laws.~~

(2) Any agency is authorized to acquire and hold copyrights for data processing software created by the agency and to enforce its rights pertaining to such copyrights, provided that the agency complies with the requirements of this section.

(a) Any agency that has acquired a copyright for data processing software created by the agency may sell or license the copyrighted data processing software to any public agency or private person and may establish a price for the sale and a license fee for the use of such data processing software. Proceeds from the sale or licensing of copyrighted data processing software shall be deposited by the agency into a trust fund for the agency's appropriate use for authorized purposes. Counties, municipalities, and other political subdivisions of the state may designate how such sale and licensing proceeds are to be used. The price for the sale of and the fee for the licensing of copyrighted data processing software may be based on market considerations. However, the prices or fees for the sale or licensing of copyrighted data processing software to an individual or entity solely for application to information maintained or generated by the agency that created the copyrighted data processing software shall be determined pursuant to s. 119.07(4)(4).

(b) The provisions of this subsection are supplemental to, and shall not supplant or repeal, any other provision of law that authorizes an agency to acquire and hold copyrights.

(3) ~~Subject to the restrictions of copyright and trade secret laws and public records exemptions, agency use of proprietary software must not diminish the right of the public to inspect and copy a public record.~~

(4) ~~An agency must consider when designing or acquiring an electronic recordkeeping system that such system is capable of providing data in some common format such as, but not limited to, the American Standard Code for Information Interchange.~~

~~(5) Each agency that maintains a public record in an electronic recordkeeping system shall provide to any person, pursuant to this chapter, a copy of any public record in that system which is not exempted by law from public disclosure. An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium, and the agency may charge a fee which shall be in accordance with this chapter. For the purpose of satisfying a public records request, the fee to be charged by an agency if it elects to provide a copy of a public record in a medium not routinely used by the agency, or if it elects to compile information not routinely developed or maintained by the agency or that requires a substantial amount of manipulation or programming, must be in accordance with s. 119.07(1)(b).~~

~~(6) An agency may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of that agency, including public records that are on-line or stored in an electronic recordkeeping system used by the agency. Such contract may not allow any impediment that as a practical matter makes it more difficult for the public to inspect or copy the records than to inspect or copy the agency's records. The fees and costs for the production of such records may not be more than the fees or costs charged by the agency.~~

(3)(7) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 10. Sections 119.085 and 119.09, Florida Statutes, are repealed.

Section 11. Section 119.10, Florida Statutes, is amended to read:

119.10 Violation of chapter; penalties.—

(1) Any public officer who violates any provision of this chapter is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(2) Any person who willfully and knowingly violates: ~~violating~~

(a) Any of the provisions of this chapter ~~commits~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(b)(3) Section Any person who willfully and knowingly violates s. 119.105 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 12. Section 119.105, Florida Statutes, is amended to read:

119.105 Protection of victims of crimes or accidents.—Police reports are public records except as otherwise made exempt or confidential by ~~general or special law~~. Every person is allowed to examine nonexempt or nonconfidential police reports. No person who inspects or copies police reports for the purpose of obtaining the names and addresses of the victims of crimes or accidents shall use any information contained therein for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents. Nothing herein shall prohibit the publication of such information by any news media or the use of such information for any other data collection or analysis purposes.

Section 13. Paragraph (a) of subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. *Through a continuous revision system, compile and publish the "Florida Administrative Code." The Florida Administrative Code shall contain Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rule-making authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(9), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. The department may contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication*

shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

3. At the beginning of the section of the code dealing with an agency that files copies of its rules with the department, the department shall publish the address and telephone number of the executive offices of each agency, the manner by which the agency indexes its rules, a listing of all rules of that agency excluded from publication in the code, and a statement as to where those rules may be inspected.

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of "rule" provided in s. 120.52 shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained.

Section 14. Paragraph (b) of subsection (2) of section 257.36, Florida Statutes, is amended to read:

257.36 Records and information management.—

(2)

(b) Title to any record detained in any records center shall remain in the agency transferring such record to the division. *When the Legislature transfers any duty or responsibility of an agency to another agency, the receiving agency shall be the custodian of public records with regard to the public records associated with that transferred duty or responsibility, and shall be responsible for the records storage service charges of the division. If an agency is dissolved and the legislation dissolving that agency does not assign an existing agency as the custodian of public records for the dissolved agency's records, then the Cabinet is the custodian of public records for the dissolved agency, unless the Cabinet otherwise designates a custodian. The Cabinet or the agency designated by the Cabinet shall be responsible for the records storage service charges of the division.*

Section 15. Subsection (5) of section 328.15, Florida Statutes, is amended to read:

328.15 Notice of lien on vessel; recording.—

(5) The Department of Highway Safety and Motor Vehicles shall make such rules and regulations as it deems necessary or proper for the effective administration of this law. The department may by rule require that a notice of satisfaction of a lien be notarized. The department shall prepare the forms of the notice of lien and the satisfaction of lien to be supplied, at a charge not to exceed 50 percent more than cost, to applicants for recording the liens or satisfactions and shall keep a ~~permanent~~ record of such notices of lien and satisfactions available for inspection by the public at all reasonable times. The division is authorized to furnish certified copies of such satisfactions for a fee of \$1, which certified copies shall be admissible in evidence in all courts of this state under the same conditions and to the same effect as certified copies of other public records.

Section 16. Subsection (4) of section 372.5717, Florida Statutes, is amended to read:

372.5717 Hunter safety course; requirements; penalty.—

(4) The commission shall issue a permanent hunter safety certification card to each person who successfully completes the hunter safety course. The commission shall maintain ~~permanent~~ records of hunter safety certification cards issued and shall establish procedures for replacing lost or destroyed cards.

Section 17. Subsection (2) of section 560.121, Florida Statutes, is amended to read:

560.121 Records; limited restrictions upon public access.—

(2) Examination reports, investigatory records, applications, and related information compiled by the department, or photographic copies thereof, shall be retained by the department for a period of at least 3 ~~10~~ years from the date that the examination or investigation ceases to be active. Application records, and related information compiled by the department, or photographic copies thereof, shall be retained by the department for a period of at least 2 years from the date that the registration ceases to be active.

Section 18. Subsection (6) of section 560.123, Florida Statutes, is amended to read:

560.123 Florida control of money laundering in the Money Transmitters' Code; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties; corpus delicti.—

(6) The department must retain a copy of all reports received under subsection (5) for a minimum of 3 ~~5~~ calendar years after receipt of the report. However, if a report or information contained in a report is known by the department to be the subject of an existing criminal proceeding, the report must be retained for a minimum of 10 calendar years from the date of receipt.

Section 19. Subsection (5) of section 560.129, Florida Statutes, is amended to read:

560.129 Confidentiality.—

(5) Examination reports, investigatory records, applications, and related information compiled by the department, or photographic copies thereof, shall be retained by the department for a period of at least 3 ~~10~~ years from the date that the examination or investigation ceases to be active. Application records, and related information compiled by the department, or photographic copies thereof, shall be retained by the department for a period of at least 2 years from the date that the registration ceases to be active.

Section 20. Subsection (3) of section 624.311, Florida Statutes, is amended to read:

624.311 Records; reproductions; destruction.—

(3) The department may photograph, microphotograph, or reproduce on film, or maintain in an electronic recordkeeping system ~~whereby each page will be reproduced in exact conformity with the original~~, all financial records, financial statements of domestic insurers, reports of business transacted in this state by foreign insurers and alien insurers, reports of examination of domestic insurers, and such other records and documents on file in its office as it may in its discretion select.

Section 21. Subsection (1) of section 624.312, Florida Statutes, is amended to read:

624.312 Reproductions and certified copies of records as evidence.—

(1) Photographs or microphotographs in the form of film or prints, or other reproductions from an electronic recordkeeping system, of documents and records made under s. 624.311(3), or made under former s. 624.311(3) before October 1, 1982, shall have the same force and effect as the originals thereof and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs or reproductions from an electronic recordkeeping system shall be as admissible in evidence as the originals.

Section 22. Subsection (2) of section 633.527, Florida Statutes, is amended to read:

633.527 Records concerning applicant; extent of confidentiality.—

(2) All examination test questions, answer sheets, and grades shall be retained for a period of 2 ~~5~~ years from the date of the examination.

Section 23. Subsection (8) of section 655.50, Florida Statutes, is amended to read:

655.50 Florida Control of Money Laundering in Financial Institutions Act; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

~~(8)(a) The department shall retain a copy of all reports received under subsection (4) for a minimum of 5 calendar years after receipt of the report. However, if a report or information contained in a report is known by the department to be the subject of an existing criminal proceeding, the report shall be retained for a minimum of 10 calendar years after receipt of the report.~~

~~(a)(b)~~ Each financial institution shall maintain for a minimum of 5 calendar years full and complete records of all financial transactions, including all records required by 31 C.F.R. parts 103.33 and 103.34.

~~(b)(c)~~ The financial institution shall retain a copy of all reports filed with the department under subsection (4) for a minimum of 5 calendar years after submission of the report. ~~However, if a report or information contained in a report is known by the financial institution to be the subject of an existing criminal proceeding, the report shall be retained for a minimum of 10 calendar years after submission of the report.~~

~~(c)(d)~~ The financial institution shall retain a copy of all records of exemption for each designation of exempt person made pursuant to subsection (6) for a minimum of 5 calendar years after termination of exempt status of such customer. ~~However, if it is known by the financial institution that the customer or the transactions of the customer are the subject of an existing criminal proceeding, the records shall be retained for a minimum of 10 calendar years after termination of exempt status of such customer.~~

Section 24. Section 945.25, Florida Statutes, is amended to read:

945.25 Records.—

(1) It shall be the duty of the Department of Corrections to obtain and place in its permanent records information as complete as practicable ~~may be practicably available~~ on every person who may be sentenced to supervision or incarceration under the jurisdiction of the department ~~become subject to parole~~. Such information shall be obtained as soon as possible after imposition of sentence and shall, in the discretion of the department, include, among other things:

(a) A copy of the indictment or information and a complete statement of the facts of the crime for which such person has been sentenced.

(b) The court in which the person was sentenced.

(c) The terms of the sentence.

(d) The name of the presiding judge, the prosecuting officers, the investigating officers, and the attorneys for the person convicted.

(e) A copy of all probation reports which may have been made.

(f) Any social, physical, mental, psychiatric, or criminal record of such person.

~~(2) The department, in its discretion, shall also obtain and place in its permanent records such information on every person who may be placed on probation, and on every person who may become subject to pardon and commutation of sentence.~~

~~(2)(3)~~ It shall be the duty of the court and its prosecuting officials to furnish to the department upon its request such information and also to furnish such copies of such minutes and other records as may be in their possession or under their control.

~~(3)(4)~~ Following the initial hearing provided for in s. 947.172(1), the commission shall prepare and the department shall include in the official record a copy of the seriousness-of-offense and favorable-parole-outcome scores and shall include a listing of the specific factors and information used in establishing a presumptive parole release date for the inmate.

Section 25. Paragraph (e) of subsection (4) of section 985.31, Florida Statutes, is amended to read:

985.31 Serious or habitual juvenile offender.—

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(e) The results of any serologic blood or urine test on a serious or habitual juvenile offender shall become a part of that child's permanent medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control and Prevention.

Section 26. Paragraph (d) of subsection (6) of section 212.095, Florida Statutes, is repealed.

Section 27. Subsection (9) of section 238.03, Florida Statutes, is repealed.

Section 28. Section 591.34, Florida Statutes, is repealed.

Section 29. Paragraph (a) of subsection (5) of section 15.09, Florida Statutes, is amended to read:

15.09 Fees.—

(5)(a) There is created within the Department of State a Public Access Data Systems Trust Fund, which shall be used by the department to purchase information systems and equipment that provide greater public accessibility to the information and records maintained by it. Notwithstanding any other provision of law, the Divisions of Licensing, Elections, and Corporations of the department shall transfer each fiscal year to the Public Access Data Systems Trust Fund from their respective trust funds:

1. An amount equal to 2 percent of all revenues received for the processing of documents, filings, or information requests.
2. All public access network revenues collected pursuant to s. 15.16 or s. 119.01(2)(f) ~~119.085~~.

Section 30. Paragraph (f) of subsection (1) of section 23.22, Florida Statutes, is amended to read:

23.22 Paperwork reduction; activities of departments.—

(1) In order to reduce the amount of paperwork associated with the collection of information from individuals, private-sector organizations, and local governments and to provide more efficient and effective assistance to such individuals and organizations in completing necessary paperwork required by the government, each department head shall, to the extent feasible:

(f) Collaborate with the Division of Library and Information Services, pursuant to s. 119.021(2)(d) ~~119.09~~, to identify and index records retention requirements placed on private-sector organizations and local governments in Florida, clarify and reduce the requirements, and educate the affected entities through various communications media, including voice, data, video, radio, and image.

Section 31. Subsection (2) of section 27.151, Florida Statutes, is amended to read:

27.151 Confidentiality of specified executive orders; criteria.—

(2) *The Governor shall consider the purposes specified in s. 119.15 and shall consider the provisions of s. 24, Art. I of the State Constitution when making* ~~The Governor shall base his or her decision to make an executive order confidential on the criteria set forth in s. 119.14.~~

Section 32. Paragraph (d) of subsection (1) of section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(d) Section 119.07(6)(~~9~~) applies to all software on file with the Department of State.

Section 33. Paragraph (b) of subsection (2) of section 112.533, Florida Statutes, is amended to read:

112.533 Receipt and processing of complaints.—

(2)

(b) This subsection does not apply to any public record which is exempt from public disclosure pursuant to s. 119.07(6)(~~9~~). For the purposes of this subsection, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed.

Section 34. Paragraph (e) of subsection (2) of section 231.291, Florida Statutes, is amended to read:

231.291 Personnel files.—Public school system employee personnel files shall be maintained according to the following provisions:

(2)

(e) Upon request, an employee, or any person designated in writing by the employee, shall be permitted to examine the personnel file of such employee. The employee shall be permitted conveniently to reproduce any materials in the file, at a cost no greater than the fees prescribed in s. 119.07(4)(~~1~~).

Section 35. Subsection (1) of section 257.34, Florida Statutes, is amended to read:

257.34 Florida International Archive and Repository.—

(1) There is created within the Division of Library and Information Services of the Department of State the Florida International Archive and Repository for the preservation of those public records, as defined in s. 119.011(11)(~~1~~), manuscripts, international judgments involving disputes between domestic and foreign businesses, and all other public matters that the department or the Florida Council of International Development deems relevant to international issues. It is the duty and responsibility of the division to:

(a) Organize and administer the Florida International Archive and Repository.

(b) Preserve and administer records that are transferred to its custody; accept, arrange, and preserve them, according to approved archival and repository practices; and permit them, at reasonable times and under the supervision of the division, to be inspected, examined, and copied. All public records transferred to the custody of the division are subject to the provisions of s. 119.07(1).

(c) Assist the records and information management program in the determination of retention values for records.

(d) Cooperate with and assist, insofar as practicable, state institutions, departments, agencies, counties, municipalities, and individuals engaged in internationally related activities.

(e) Provide a public research room where, under rules established by the division, the materials in the international archive and repository may be studied.

(f) Conduct, promote, and encourage research in international trade, government, and culture and maintain a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research.

(g) Cooperate with and, insofar as practicable, assist agencies, libraries, institutions, and individuals in projects concerned with internationally related issues and preserve original materials relating to internationally related issues.

(h) Assist and cooperate with the records and information management program in the training and information program described in s. 257.36(1)(g).

Section 36. Subsection (1) of section 257.35, Florida Statutes, is amended to read:

257.35 Florida State Archives.—

(1) There is created within the Division of Library and Information Services of the Department of State the Florida State Archives for the preservation of those public records, as defined in s. 119.011(11)(4), manuscripts, and other archival material that have been determined by the division to have sufficient historical or other value to warrant their continued preservation and have been accepted by the division for deposit in its custody. It is the duty and responsibility of the division to:

(a) Organize and administer the Florida State Archives.

(b) Preserve and administer such records as shall be transferred to its custody; accept, arrange, and preserve them, according to approved archival practices; and permit them, at reasonable times and under the supervision of the division, to be inspected, examined, and copied. All public records transferred to the custody of the division shall be subject to the provisions of s. 119.07(1), except that any public record or other record provided by law to be confidential or prohibited from inspection by the public shall be made accessible only after a period of 50 years from the date of the creation of the record. Any nonpublic manuscript or other archival material which is placed in the keeping of the division under special terms and conditions, shall be made accessible only in accordance with such law terms and conditions and shall be exempt from the provisions of s. 119.07(1) to the extent necessary to meet the terms and conditions for a nonpublic manuscript or other archival material.

(c) Assist the records and information management program in the determination of retention values for records.

(d) Cooperate with and assist insofar as practicable state institutions, departments, agencies, counties, municipalities, and individuals engaged in activities in the field of state archives, manuscripts, and history and accept from any person any paper, book, record, or similar material which in the judgment of the division warrants preservation in the state archives.

(e) Provide a public research room where, under rules established by the division, the materials in the state archives may be studied.

(f) Conduct, promote, and encourage research in Florida history, government, and culture and maintain a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research.

(g) Cooperate with and, insofar as practicable, assist agencies, libraries, institutions, and individuals in projects designed to preserve original source materials relating to Florida history, government, and culture and prepare and publish handbooks, guides, indexes, and other literature directed toward encouraging the preservation and use of the state's documentary resources.

(h) Encourage and initiate efforts to preserve, collect, process, transcribe, index, and research the oral history of Florida government.

(i) Assist and cooperate with the records and information management program in the training and information program described in s. 257.36(1)(g).

Section 37. Section 282.21, Florida Statutes, is amended to read:

282.21 The State Technology Office's electronic access services.—The State Technology Office may collect fees for providing remote electronic access pursuant to s. 119.01(2)(f) ~~119.085~~. The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 38. Paragraph (h) of subsection (2) of section 287.0943, Florida Statutes, is amended to read:

287.0943 Certification of minority business enterprises.—

(2)

(h) The certification procedures should allow an applicant seeking certification to designate on the application form the information the applicant considers to be proprietary, confidential business information. As used in this paragraph, "proprietary, confidential business information" includes, but is not limited to, any information that would be exempt from public inspection pursuant to the provisions of s. 119.07(6)(3); trade secrets; internal auditing controls and reports; contract costs; or other information the disclosure of which would injure the affected party in the marketplace or otherwise violate s. 286.041. The executor in receipt of the application shall issue written and final notice of any information for which noninspection is requested but not provided for by law.

Section 39. Subsection (1) of section 320.05, Florida Statutes, is amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(1) Except as provided in s. 119.07(6)(3), the department may release records as provided in this section.

Section 40. Subsection (8) of section 322.20, Florida Statutes, is amended to read:

322.20 Records of the department; fees; destruction of records.—

(8) Except as provided in s. 119.07(6)(3), the department may release records as provided in this section.

Section 41. Paragraph (b) of subsection (2) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(2)

(b) In accordance with the legislative intent expressed in s. 337.273, and after the requirements of paragraph (1)(c) have been met, the department may acquire lands and property before making a final determination of the economic feasibility of a project. The requirements of paragraph (1)(c) do not apply to hardship and protective purchases of advance right-of-way by the department. The cost of advance acquisition of right-of-way may be paid from bonds issued under s. 337.276 or from turnpike revenues. For purposes of this paragraph, the term "hardship purchase" means purchase from a property owner of a residential dwelling of not more than four units who is at a disadvantage due to health impairment, job loss, or significant loss of rental income. For purposes of this paragraph, the term "protective purchase" means that a purchase to limit development, building, or other intensification of land uses within the area right-of-way is needed for transportation facilities. The department shall give written notice to the Department of Environmental Protection 30 days before final agency acceptance as set forth in s. 119.07(6)(3)(n), which notice shall allow the Department of Environmental Protection to comment. Hardship and protective purchases of right-of-way shall not influence the environmental feasibility of a project, including the decision relative to the need to construct the project or the selection of a specific location. Costs to acquire and dispose of property acquired as hardship and protective purchases are considered costs of doing business for the department and are not to be considered in the determination of environmental feasibility for the project.

Section 42. Paragraph (a) of subsection (1) of section 378.406, Florida Statutes, is amended to read:

378.406 Confidentiality of records; availability of information.—

(1)(a) Any information relating to prospecting, rock grades, or secret processes or methods of operation which may be required, ascertained, or discovered by inspection or investigation shall be exempt from the provisions of s. 119.07(1), shall not be disclosed in public hearings, and shall be kept confidential by any member, officer, or employee of the department, if the applicant requests the department to keep such information confidential and informs the department of the basis for such confidentiality. Should the secretary determine that such information requested to be kept confidential shall not be kept confidential, the secretary shall provide the operator with not less than 30 days' notice of his or her intent to release the information. When making his or her determination, the secretary shall consider the public purposes specified in s. 119.15(4)(b) ~~119.14(4)(b)~~.

Section 43. Paragraph (c) of subsection (5) of section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(5)

(c) The elevator owner shall report to the department 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the department requires. ~~The department shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3.~~ This annual contract report must be made on forms supplied by the department. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The department shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

Section 44. Paragraph (c) of subsection (1) of section 400.0077, Florida Statutes, is amended to read:

400.0077 Confidentiality.—

(1) The following are confidential and exempt from the provisions of s. 119.07(1):

(c) Any other information about a complaint, including any problem identified by an ombudsman council as a result of an investigation, unless an ombudsman council determines that the information does not meet any of the criteria specified in s. 119.15(4)(b) ~~119.14(4)(b)~~; or unless the information is to collect data for submission to those entities specified in s. 712(c) of the federal Older Americans Act for the purpose of identifying and resolving significant problems.

Section 45. Subsection (5) of section 401.27, Florida Statutes, is amended to read:

401.27 Personnel; standards and certification.—

(5) The certification examination must be offered monthly. The department shall issue an examination admission notice to the applicant advising him or her of the time and place of the examination for which he or she is scheduled. Individuals achieving a passing score on the certification examination may be issued a temporary certificate with their examination grade report. The department must issue an original certification within 45 days after the examination. Examination questions and answers are not subject to discovery but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. If an administrative hearing is held, the department shall provide challenged examination questions and answers to the administrative law judge. The department shall establish by rule the procedure by which an applicant, and the applicant's attorney, may review examination questions and answers in accordance with s. 119.07(6)(3)(a).

Section 46. Subsection (1) of section 403.111, Florida Statutes, is amended to read:

403.111 Confidential records.—

(1) Any information, other than effluent data and those records described in 42 U.S.C. s. 7661a(b)(8), relating to secret processes or secret methods of manufacture or production, or relating to costs of production, profits, or other financial information which is otherwise not public record, which may be required, ascertained, or discovered by inspection or investigation shall be exempt from the provisions of s. 119.07(1), shall not be disclosed in public hearings, and shall be kept confidential by any member, officer, or employee of the department, upon a showing satisfactory to the department that the information should be kept confidential. The person from whom the information is obtained must request that the department keep such information confidential and must inform the department of the basis for the claim of confidentiality. The department shall, subject to notice and opportunity for hearing, determine whether the information requested to be kept confidential should or should not be kept confidential. The department shall determine whether the information submitted should be kept confidential pursuant to the public purpose test as stated in s. 119.15(4)(b)3. ~~119.14(4)(b)3.~~

Section 47. Section 409.2577, Florida Statutes, is amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. Any agency as defined in s. 120.52, any political subdivision, and any other person shall, upon request, provide the department any information relating to location, salary, insurance, social security, income tax, and employment history necessary to locate parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. This provision shall expressly take precedence over any other statutory nondisclosure provision which limits the ability of an agency to disclose such information, except that law enforcement information as provided in s. 119.07(6)(3)(i) is not required to be disclosed, and except that confidential taxpayer information possessed by the Department of Revenue shall be disclosed only to the extent authorized in s. 213.053(15). Nothing in this section requires the disclosure of information if such disclosure is prohibited by federal law. Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1). Additionally, the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. The department shall, upon request, make information available only to public officials and agencies of this state; political subdivisions of this state, including any agency thereof providing child support enforcement services to non-Title IV-D clients; the custodial parent, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the sole purpose of establishing, modifying, or enforcing their liability for support, and shall make such information available to the Department of Children and Family Services for the purpose of diligent search activities pursuant to chapter 39. If the department has reasonable evidence of domestic violence or child abuse and the disclosure of information could be harmful to the custodial parent or the child of such parent, the child support program director or designee shall notify the Department of Children and Family Services and the Secretary of the United States Department of Health and Human Services of this evidence. Such evidence is sufficient grounds for the department to disapprove an application for location services.

Section 48. Subsection (6) of section 455.219, Florida Statutes, is amended to read:

455.219 Fees; receipts; disposition; periodic management reports.—

(6) The department or the appropriate board shall charge a fee not to exceed \$25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplication of a public record as provided in s. 119.07(4)(1)(a) ~~and (b)~~.

Section 49. Subsection (11) of section 456.025, Florida Statutes, is amended to read:

456.025 Fees; receipts; disposition.—

(11) The department or the appropriate board shall charge a fee not to exceed \$25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplicating a public record as provided in s. 119.07(4)(1)(a) ~~and (b)~~.

Section 50. Paragraph (1) of subsection (3) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(3) The department may, after consultation with insurers licensed to write automobile insurance in this state, approve a joint underwriting plan for purposes of equitable apportionment or sharing among insurers of automobile liability insurance and other motor vehicle insurance, as an alternate to the plan required in s. 627.351(1). All insurers authorized to write automobile insurance in this state shall subscribe to the plan and participate therein. The plan shall be subject to continuous review by the department which may at any time disapprove the entire

plan or any part thereof if it determines that conditions have changed since prior approval and that in view of the purposes of the plan changes are warranted. Any disapproval by the department shall be subject to the provisions of chapter 120. If adopted, the plan and the association created under the plan:

(1)1. Shall be subject to the public records requirements of chapter 119 and the public meeting requirements of s. 286.011. However, the following records of the Florida Automobile Joint Underwriting Association are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files.

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided by this paragraph.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed or, if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered "active" while the investigation is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the association under contract when the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of an association employee which is not relevant to the employee's capacity to perform his or her duties, except as otherwise provided in this paragraph. Information which is exempt shall include, but is not limited to, information relating to workers' compensation, insurance benefits, and retirement or disability benefits.

g. All records relative to an employee's participation in an employee assistance program designed to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law must be redacted.

When an authorized insurer is considering underwriting a risk insured by the association, relevant underwriting files and confidential claims files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. When a file is transferred to an insurer, that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. The association may make the following information obtained from underwriting files and confidential claims files available to licensed general lines insurance agents: name, address, and telephone number of the automobile owner or insured; location of the risk; rating information; loss history; and policy type. The receiving licensed general lines insurance agent must retain the confidentiality of the information received.

2. Portions of meetings of the Florida Automobile Joint Underwriting Association during which confidential underwriting files or confidential open claims files are discussed are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. All portions of association meetings which are closed to the public shall be recorded by

a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions of this paragraph and s. 119.07(1)(b)-(d)(2)(a), the court reporter's notes of any closed meeting shall be retained by the association for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting during which claims are discussed shall become public as to individual claims after settlement of the claim.

This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 51. Paragraph (n) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION.—

(n)1. The following records of the Residential Property and Casualty Joint Underwriting Association are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files.

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided for herein.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed, or if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered "active" while the investigation is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the association under contract and the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of an association employee which is not relevant to the employee's capacity to perform his or her duties, except as otherwise provided in this paragraph. Information which is exempt shall include, but is not limited to, information relating to workers' compensation, insurance benefits, and retirement or disability benefits.

g. Upon an employee's entrance into the employee assistance program, a program to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee's job performance, all records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law will be redacted.

When an authorized insurer is considering underwriting a risk insured by the association, relevant underwriting files and confidential claims

files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. When a file is transferred to an insurer that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. Underwriting files and confidential claims files may also be released to staff of and the board of governors of the market assistance plan established pursuant to s. 627.3515, who must retain the confidentiality of such files, except such files may be released to authorized insurers that are considering assuming the risks to which the files apply, provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. Finally, the association or the board or staff of the market assistance plan may make the following information obtained from underwriting files and confidential claims files available to licensed general lines insurance agents: name, address, and telephone number of the residential property owner or insured; location of the risk; rating information; loss history; and policy type. The receiving licensed general lines insurance agent must retain the confidentiality of the information received.

2. Portions of meetings of the Residential Property and Casualty Joint Underwriting Association are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution wherein confidential underwriting files or confidential open claims files are discussed. All portions of association meetings which are closed to the public shall be recorded by a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions hereof and s. 119.07(1)(b)-(d)(2)(a), the court reporter's notes of any closed meeting shall be retained by the association for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting wherein claims are discussed shall become public as to individual claims after settlement of the claim.

Section 52. Subsection (1) of section 633.527, Florida Statutes, is amended to read:

633.527 Records concerning applicant; extent of confidentiality.—

(1) Test material is made confidential by s. 119.07(6)(3)(a). An applicant may waive in writing the confidentiality of his or her examination answer sheet for the purpose of discussion with the State Fire Marshal or his or her staff.

Section 53. Section 655.0321, Florida Statutes, is amended to read:

655.0321 Restricted access to certain hearings, proceedings, and related documents.—The department shall consider the public purposes specified in s. 119.15(4)(b) ~~119.14(4)(b)~~ and the provisions of s. 24, Art. I of the State Constitution in determining whether the hearings and proceedings conducted pursuant to s. 655.033 for the issuance of cease and desist orders and s. 655.037 for the issuance of suspension or removal orders shall be closed and exempt from the provisions of s. 286.011, and whether related documents shall be confidential and exempt from the provisions of s. 119.07(1).

Section 54. Paragraph (m) of subsection (2) of section 668.50, Florida Statutes, is amended to read:

668.50 Uniform Electronic Transaction Act.—

(2) DEFINITIONS.—As used in this section:

(m) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including public records as defined in s. 119.011(1)(4).

Section 55. Subsection (1) of section 794.024, Florida Statutes, is amended to read:

794.024 Unlawful to disclose identifying information.—

(1) A public employee or officer who has access to the photograph, name, or address of a person who is alleged to be the victim of an offense described in this chapter, chapter 800, s. 827.03, s. 827.04, or s. 827.071 may not willfully and knowingly disclose it to a person who is not assisting in the investigation or prosecution of the alleged offense or to any

person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense, or to organizations authorized to receive such information pursuant to s. 119.07(6)(3)(f).

Section 56. For the purpose of incorporating the amendments to section 945.25, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 947.13, Florida Statutes, is reenacted to read:

947.13 Powers and duties of commission.—

(2)(a) The commission shall immediately examine records of the department under s. 945.25, and any other records which it obtains, and may make such other investigations as may be necessary.

Section 57. *The Records Management Center of the Department of State in Tallahassee, Florida, is designated as the "James C. 'Jim' Smith Records Management Center."*

Section 58. This act shall take effect July 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; amending s. 18.20, F.S.; removing photographic film reproductions of specified vouchers or checks paid by the State Treasurer and preserved as records of the office of the Treasurer from classification as permanent records; amending s. 119.01, F.S.; establishing state policy with respect to public records; requiring governmental agencies to consider certain factors in designing or acquiring electronic recordkeeping systems; providing certain restrictions with respect to electronic recordkeeping systems and proprietary software; requiring governmental agencies to provide copies of public records stored in electronic recordkeeping systems; authorizing agencies to charge a fee for such copies; specifying circumstances under which the financial, business, and membership records of an organization are public records; amending s. 119.011, F.S.; providing definitions; repealing ss. 119.0115, 119.012, and 119.02, F.S., relating to specified exemption for certain videotapes and video signals, records made public by the use of public funds, and penalties for violation of public records requirements by a public officer; amending s. 119.021, F.S.; providing requirements for governmental agencies in maintaining and preserving public records; requiring the Division of Library and Information Services of the Department of State to adopt rules for retaining and disposing of public records; authorizing the division to provide for archiving certain noncurrent records; providing for the destruction of certain records and the continued maintenance of certain records; providing for the disposition of records at the end of an official's term of office; requiring that a custodian of public records demand delivery of records held unlawfully; repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S., relating to the retention and disposal of public records and the delivery of records held unlawfully; amending s. 119.07, F.S.; revising provisions governing the inspection and copying of public records; establishing fees for copying; providing requirements for making photographs; authorizing additional means of copying; repealing ss. 119.08 and 119.083, F.S., relating to requirements for making photographs of public records and the licensing and sale of copyrighted data processing software by an agency; amending s. 119.084, F.S.; deleting certain provisions governing the maintenance of public records in an electronic recordkeeping system; repealing ss. 119.085 and 119.09, F.S., relating to remote electronic access to public records and the program for records and information management of the Department of State; amending s. 119.10, F.S.; clarifying provisions with respect to penalties for violations of ch. 119, F.S.; amending s. 119.105, F.S.; clarifying provisions under which certain police reports may be exempt from the public records law; amending s. 120.55, F.S.; revising language with respect to publication of the Florida Administrative Code to provide that the Department of State is required to compile and publish the code through a continuous revision system; amending s. 257.36, F.S.; providing procedure with respect to official custody of records upon transfer of duties or responsibilities between state agencies or dissolution of a state agency; amending s. 328.15, F.S.; revising the classification of records of notices and satisfaction of liens on vessels maintained by the Department of Highway Safety and Motor Vehicles; amending s. 372.5717, F.S.; revising the classification of records of hunter safety certification cards maintained by the Fish and Wildlife Conservation Commission; amending s. 560.121, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the

Money Transmitters' Code; amending s. 560.123, F.S.; decreasing the period of retention for specified reports filed by money transmitters with the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.129, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Department of Banking and Finance under the Money Transmitters' Code; amending s. 624.311, F.S.; authorizing the Department of Insurance to maintain an electronic recordkeeping system for specified records, statements, reports, and documents; eliminating a standard for the reproduction of such records, statements, reports, and documents; amending s. 624.312, F.S.; providing that reproductions from an electronic recordkeeping system of specified documents and records of the Department of Insurance shall be treated as originals for the purpose of their admissibility in evidence; amending s. 633.527, F.S.; decreasing the period of retention for specified examination test questions, answer sheets, and grades in the possession of the Division of State Fire Marshal of the Department of Insurance; amending s. 655.50, F.S.; revising requirements of the Department of Banking and Finance with respect to retention of copies of specified reports and records of exemption submitted or filed by financial institutions under the Florida Control of Money Laundering in Financial Institutions Act; amending s. 945.25, F.S.; requiring the Department of Corrections to obtain and place in its records specified information on every person who may be sentenced to supervision or incarceration under the jurisdiction of the department; eliminating a requirement of the department, in its discretion, to obtain and place in its permanent records specified information on persons placed on probation and on persons who may become subject to pardon and commutation of sentence; amending s. 985.31, F.S.; revising the classification of specified medical files of serious or habitual juvenile offenders; repealing s. 212.095(6)(d), F.S., which requires the Department of Revenue to keep a permanent record of the amounts of refunds claimed and paid under ch. 212, F.S., and which requires that such records shall be open to public inspection; repealing s. 238.03(9), F.S., relating to the authority of the Department of Management Services to photograph and reduce to microfilm as a permanent record its ledger sheets showing the salaries and contributions of members of the Teachers' Retirement System of Florida, the records of deceased members of the system, and the authority to destroy the documents from which such films derive; repealing s. 591.34, F.S.; eliminating a procedure by which permission may be obtained from the Department of Agriculture and Consumer Services to cut seed trees; amending s. 27.151, F.S.; expanding considerations of the Governor in making an executive order confidential; correcting a cross reference; amending s. 399.02, F.S.; eliminating a confidentiality requirement of the Department of Business and Professional Regulation with respect to the names of companies under contract to provide elevator service maintenance; amending s. 655.0321, F.S.; expanding considerations of the Department of Banking and Finance in determining whether specified hearings and proceedings and documents related thereto shall be exempt from public records and meetings requirements; correcting a cross reference; amending ss. 15.09, 23.22, 101.5607, 112.533, 231.291, 257.34, 257.35, 282.21, 287.0943, 320.05, 322.20, 338.223, 378.406, 400.0077, 401.27, 403.111, 409.2577, 455.219, 456.025, 627.311, 627.351, 633.527, 668.50, and 794.024, F.S.; conforming cross references; reenacting s. 947.13(2)(a), F.S., relating to the duty of the Parole Commission to examine specified records, to incorporate the amendment to s. 945.25, F.S., in a reference thereto; designating the Records Management Center of the Department of State as the "James C. 'Jim' Smith Records Center"; providing an effective date.

Pursuant to Rule 4.19, **SB 274** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SJR 1284—A joint resolution proposing an amendment to Section 24 of Article I of the State Constitution relating to public records and meetings exemptions.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (110530)—On page 3, lines 6-8, delete those lines and insert:

TWO-THIRDS VOTE REQUIRED—

Requires that laws providing exemptions from public records or public meetings requirements must, after the effective date of this amendment, be passed

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

On motion by Senator Peadar—

SB 1832—A bill to be entitled An act relating to negligence; creating s. 768.093, F.S.; providing that specified assistive technology devices shall not be considered dangerous instrumentalities; defining "powered shopping cart"; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1832** was placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 484—A bill to be entitled An act relating to subacute pediatric transitional care; requiring the Agency for Health Care Administration to conduct a study of health care services provided to medically fragile or medical-technology-dependent children; requiring the Agency for Health Care Administration to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to amend the Medicaid state plan and seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership on the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (442306)** by Senator Silver was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 484** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Saunders, by two-thirds vote **SB 2308** was withdrawn from the committees of reference and further consideration.

On motion by Senator Holzendorf, by two-thirds vote **SB 1320**, **SB 1890**, **SB 1892** and **SB 2082** were withdrawn from the committees of reference and further consideration.

On motion by Senator Carlton, by two-thirds vote **CS for CS for CS for SB 386**, **CS for SB 544**, **CS for CS for SB 568**, **CS for CS for SB 370**, **CS for CS for SB 576**, **CS for CS for CS for SB's 90 and 554** and **CS for CS for SB 1654** were withdrawn from the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **CS for SB 288**, **CS for SB 614**, **SB 1016**, **CS for CS for SB 1150**, **CS for SB 1264**, **SB 968**, **CS for SB 996**, **CS for SB 1766** and **CS for SB 1808** were withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 302**, **CS for SB 306**, **CS for SB 408**, **CS for SB 992**, **SB 1014**, **CS for SB 1510**, **CS for SB 1632** and **SB 2080** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 466**, **CS for SB 478**, **CS for SB 666**, **CS for CS for SB 1136**, **CS for SB 1926** and **CS for SB 2238** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 468** was withdrawn from the Committee on Rules and Calendar; **SB 2324** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs; **SB 2212** was withdrawn from the Committee on Criminal Justice; **CS for SB 2072** was withdrawn from the Committee on Natural Resources; and **SB 2500** and **SB 2502** were withdrawn from the Committee on Appropriations.

MOTIONS

On motion by Senator Lee, by two-thirds vote **CS for SB 1926** was placed on the Special Order Calendar for Thursday, March 7.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, March 7.

On motion by Senator Lee, a deadline of 9:00 a.m., Monday, March 11, was set for filing amendments for the Committee on Reapportionment meeting scheduled for Tuesday, March 12.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 6, 2002: CS for SB 2048, CS for SB 972, CS for SB 1002, SB 2070, CS for SB 94, SB 1914, CS for SB 1806, SB 592, CS for SB 1276, CS for CS for SB 596, CS for CS for SB 484, SB 1536, CS for SB 1500, SB 716, CS for SB 276, SB 146, CS for SB 374, CS for CS for SB's 662 and 232, CS for CS for SB 694, CS for SB 426, CS for SB 462, CS for SJR 504, CS for SB 506, CS for SB 2014, CS for SJR 940, SJR 1284, CS for SB 178, CS for SB 1306, SB 138, CS for SB 952, CS for SB 1026, SB 98, SB 274, CS for SB 420, CS for SB 1212, SB 140, SB 1636, SB 1832, SB 932, CS for SB 728, SB 722, CS for SB 1964, SB 1966, SB 1968, SB 1970, SB 1972, SB 1334, SB 1020, SB 962

Respectfully submitted,
Tom Lee, Chairman

The Committee on Banking and Insurance recommends the following pass: CS for SB 532

The Committee on Education recommends the following pass: SB 1094, SB 1740, SB 2202

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB's 1416 and 1884, CS for SB 1590

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

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 1440

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 1932 with 1 amendment, SB 2126

The Committee on Criminal Justice recommends the following pass: SB 278

The Committee on Finance and Taxation recommends the following pass: SB 1186, CS for SJR 2098

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 310 with 1 amendment, CS for SB 1392 with 1 amendment, CS for SB 1480

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 920 with 1 amendment

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

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 1544, SB 2298

The bills were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1164, SB 2088

The Committee on Finance and Taxation recommends the following pass: SB 732, SB 1568

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1154 with 2 amendments

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Transportation recommends the following pass: SB 608

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Judiciary recommends the following pass: SB 2236

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

The Committee on Children and Families recommends the following pass: SB 2086 with 3 amendments

The Committee on Transportation recommends the following pass: SB 2148

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

The Committee on Education recommends the following pass: SB 2410 with 1 amendment

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2278

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

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 624

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1194, CS for SB 1688

The bills 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 the following pass: CS for SB 1560, SB 1960

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1888 with 4 amendments

The Committee on Education recommends the following pass: SB 144, SB 1762

The Committee on Transportation recommends the following pass: SB 2370

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 1626

The Committee on Criminal Justice recommends the following pass: SB 1662

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1474

The Committee on Health, Aging and Long-Term Care recommends the following pass: SB 2312

The bills 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 the following pass: SB 2274

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1152 with 1 amendment, CS for SB 1478

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1034

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1378

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1574, SB 1794

The Committee on Criminal Justice recommends the following pass: SB 626, SB 2330

The Committee on Finance and Taxation recommends the following pass: CS for SB 2178

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 368, SB 2130 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1434, SB 1802

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Education recommends committee substitutes for the following: SB 1156, SB 1542, CS for SB 1628

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1612, SB 2232

The Committee on Finance and Taxation recommends committee substitutes for the following: CS for CS for SB 502, SB 922, CS for SB 1088, CS for CS for SB 2120

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 1102, SB 1402, SB 2042

The Committee on Natural Resources recommends a committee substitute for the following: SB 2352

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 Judiciary recommends a committee substitute for the following: SB 1098

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 730, CS for SB 1404, SB 2210

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 556, SB 1654

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1718

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2340

The Committee on Education recommends a committee substitute for the following: SB 1552

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 2302

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2338

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1190

The Committee on Education recommends a committee substitute for the following: SB 1720

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2134

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 Education recommends committee substitutes for the following: SB 1562, SB 1564, SB 2172

The Committee on Health, Aging and Long-Term Care recommends a committee substitute for the following: SB 1262

The Committee on Natural Resources recommends a committee substitute for the following: SB 1282

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 Banking and Insurance recommends a committee substitute for the following: SB 2192

The Committee on Children and Families recommends a committee substitute for the following: SB 2254

The Committee on Education recommends a committee substitute for the following: SB 1250

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 2066, SB 2248

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

The Committee on Finance and Taxation recommends a committee substitute for the following: CS for SJR 630

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 654, SB 1534, SB 1886

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 2262, SB 2380

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: CS for SB 416

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1426, SB 1554, SB 2270

The Committee on Education recommends a committee substitute for the following: SB 1776

The Committee on Finance and Taxation recommends committee substitutes for the following: SB 4, CS for SB 1360, CS for SB 1610

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 2002, CS for SB 2078

The Committee on Natural Resources recommends a committee substitute for the following: SB 1064

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Health and Human Services recommends the following pass: CS for CS for SB 576 with 1 amendment

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

The Appropriations Subcommittee on General Government recommends committee substitutes for the following: CS for CS for SB 386, SB 544, CS for SB 568

The Appropriations Subcommittee on Health and Human Services recommends a committee substitute for the following: CS for SB 370

The Appropriations Subcommittee on Public Safety and Judiciary recommends committee substitutes for the following: CS for CS for SB's 90 and 554, CS for SB 1654

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Committee on Appropriations—

SB 2500—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2002, and ending June 30, 2003, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations—

SB 2502—A bill to be entitled An act implementing the 2002-2003 General Appropriations Act; providing legislative intent; amending s. 240.35, F.S.; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions relating to an annual report; amending s. 240.209, F.S.; prohibiting State University System employees from enrolling in tuition-free courses; providing accounting requirements for the state universities for the 2002-2003 fiscal year; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funding between certain services; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under the authority of the commission or the Department of Juvenile Justice; amending s. 25.402, F.S.; revising uses of the County Article V Trust Fund; amending s. 252.373, F.S.; providing for use of the Emergency Management, Preparedness, and Assistance Trust Fund; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent; amending s. 375.041, F.S.; providing for use of moneys in the Land Acquisition Trust Fund; amending s. 403.709, F.S.; providing for use of moneys in the Solid Waste Management Trust Fund; amending s. 403.7095, F.S.; prescribing conditions on solid waste management and recycling grants; providing for extension of time for repayment of specified loans; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 212.02, F.S.; redefining the term "livestock" to exclude ostriches and racehorses; repealing s. 212.031(9), F.S., relating to a tax exemption for the rental or lease of a high school or college stadium skybox; amending s. 212.04, F.S.; eliminating the tax exemption provided for tickets sold for certain nonprofit theater, opera, or ballet productions; amending s. 212.05, F.S.; providing that charges for services provided by tanning salons, dance studios, dance schools, and dance halls are taxable under chapter 212, F.S.; providing that charges for broadcasting rights and programming syndication services, promotion-based advertising, computer programming, systems design, data processing, and other computer-related services are taxable under chapter 212, F.S.; providing that charges for the services of professional sports club operators and promoters and management services, management consulting services, and public relations services are taxable under chapter 212, F.S.; providing

that charges for certain services that are performed in this state but used outside this state are exempt from taxation; providing that charges for certain services that are performed outside this state but used in this state are subject to taxation; amending s. 212.07, F.S.; eliminating a tax exemption provided on the markup on horses sold at claiming races; amending s. 212.08, F.S.; eliminating the tax exemption on the sale of feed for racehorses and ostriches, alcoholic beverages used by businesses for tasting, charges for chartering a fishing vessel, and the sale of racing dogs by breeders; providing for future repeal or expiration of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2002-2003 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; limiting expenditures for noncommercial sustained announcements and public-service announcements; providing effective dates.

—was referred to the Committee on Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for SB 4—A bill to be entitled An act relating to the Department of Health; providing for the relief of Minouche Noel, a minor, and her parents and natural guardians, Jean and Flora Noel, for injuries sustained due to the negligence of Children's Medical Services of the Department of Health and Rehabilitative Services; providing for the use of such funds; providing for a reversion to the state; providing an effective date.

By the Committees on Appropriations; Judiciary; Criminal Justice; and Senators Laurent and Burt—

CS for CS for CS for SB's 90 and 554—A bill to be entitled An act relating to career offenders; amending s. 775.13, F.S.; exempting a career offender from the requirement to register as a convicted felon; creating s. 775.26, F.S.; providing legislative findings and intent with respect to the registration of career offenders and public notification of the presence of career offenders; creating s. 775.261, F.S.; creating the Florida Career Offender Registration Act; providing definitions; requiring a criminal who is classified as a career offender and who is released on or after a specified date to register with the Department of Law Enforcement; providing an exception for an offender who registers as a sexual predator or sexual offender; providing procedures for registration; requiring that a photograph and fingerprints be taken of a career offender; providing procedures for notifying the Department of Law Enforcement if a career offender intends to establish residence in another state or jurisdiction; requiring the Department of Law Enforcement to provide for computer access to information on career offenders; providing that the registration list is a public record; providing a procedure by which a registered career offender may petition the court to remove the requirement that he or she maintain registration; authorizing law enforcement agencies to notify the public of the presence of a career offender; requiring address verification for career offenders; providing that specified state agencies and employees are immune from liability for good-faith compliance with the requirements of the act; providing penalties; specifying venues for prosecuting a violation of the act; creating s. 944.608, F.S.; requiring a career offender who is not sentenced to a term of imprisonment or who is under the supervision of the Department of Corrections to register with the Department of Law Enforcement; providing procedures for registration; providing penalties; providing that specified state agencies and certain employees are immune from liability for good-faith compliance with the requirements of the act; creating s. 944.609, F.S.; requiring the Department of Corrections to provide information concerning a career offender to the sheriff, police chief, Department of Law Enforcement, and victim, if requested, before the career offender is released from incarceration; authorizing the Department of Corrections or any law enforcement agency to notify the public of the presence of a career offender; providing for immunity from liability for good-faith compliance with the requirements of the act; providing appropriations; providing an effective date.

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

CS for CS for SB 370—A bill to be entitled An act relating to health regulation; amending s. 20.43, F.S.; updating a reference to provide the name of a regulatory board under the Division of Medical Quality Assurance; 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; 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; 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. 381.6020, 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 provisions 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"; providing an appropriation for a feasibility study; providing effective dates.

By the Committees on Appropriations; Governmental Oversight and Productivity; Commerce and Economic Opportunities; and Senator Holdendorf—

CS for CS for CS for SB 386—A bill to be entitled An act relating to the Florida Black Business Investment Board, Inc.; amending s. 288.707, F.S.; revising legislative findings regarding the creation and growth of black business enterprises; redefining the term "black business enterprise"; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment and number of board members, compensation of

board members, the president and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; creating s. 288.7075, F.S.; providing legislative findings that the needs of black business enterprises are shared by other minority business enterprises; expressing the intent of the Legislature that the Black Business Investment Board, Inc., and the black business investment corporations include minority business enterprises within the scope of their duties, responsibilities, and activities and report on their progress in assisting such business enterprises; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; renaming the position of "executive director" as "president"; providing for the appointment and compensation of the president; providing for delegation of powers and responsibilities to the president; prescribing the corporation's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; replacing references to board rulemaking with references to the adoption of policies; eliminating provisions related to the authority of the corporation to acquire and sell property; amending s. 288.7091, F.S.; revising provisions relating to duties of the corporation regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; requiring the corporation to ensure that certain appropriations are distributed properly, to conduct certain economic development activities, and to facilitate creation of black business investment corporations; creating s. 288.7092, F.S.; providing intent regarding operation of the corporation and return on investment; defining the state's operating investment in the corporation; directing the board to adopt an annual operating budget; providing requirements regarding private-sector support; providing requirements regarding corporate compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm or economic analysis firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming provisions; amending s. 288.714, F.S.; revising the list of persons to whom the corporation's annual report is submitted; revising the due date for such report; clarifying references to ss. 288.707-288.714, F.S.; establishing a program to lease state employees to the Black Business Investment Board, Inc.; prescribing duties of the Department of Management Services related to such leasing program; providing terms and conditions of such leasing program; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to small and minority businesses; directing Enterprise Florida, Inc., to contract with the Black Business Investment Board, Inc., under certain conditions; requiring the Black Business Investment Board, Inc., to complete a report on the inclusion of all minorities in the activities of the board and the black business investment corporations; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Senator Saunders—

CS for CS for SB 416—A bill to be entitled An act relating to public employment; amending s. 295.07, F.S.; providing requirements for advertising select exempt positions; eliminating certain positions from exemption from preferential appointment and retention requirements; requiring vacant select exempt positions in the Department of Veterans' Affairs to be filled with qualified veterans; providing an exception; providing an effective date.

By the Committees on Finance and Taxation; Governmental Oversight and Productivity; Transportation; and Senator Sebesta—

CS for CS for CS for SB 502—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; transferring the Office of Toll Operations to the turnpike enterprise; redesignating the turnpike district as the turnpike enterprise; amending s. 206.46, F.S.; increasing the rights-of-way bond cap; amending s. 316.302, F.S.; updating federal references; revising out-of-service requirements for commercial motor vehicles; providing a penalty; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; conforming provisions; amending s. 334.044, F.S.; providing powers and duties for department law enforcement officers; amending s. 337.025, F.S.; eliminating the cap on innovative highway projects for the turnpike enterprise; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include

right-of-way acquisition services; amending s. 337.11, F.S., relating to design-build contract; adding, for a specified period, rights-of-way services to activities that may be part of a design-build contract; providing restrictions; amending s. 338.165, F.S.; conforming provisions; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165, 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts before obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditures to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending ss. 338.251, 339.135, F.S.; conforming provisions; amending s. 339.12, F.S.; raising the amount that local governments may advance to the department; amending s. 553.80, F.S.; providing for self-regulation; providing an effective date.

By the Committee on Appropriations; and Senators Pruitt, Clary, Sanderson, Dawson, Klein, Villalobos, Posey and Mitchell—

CS for SB 544—A bill to be entitled An act relating to the Department of State; amending s. 265.285, F.S.; revising the membership of and appointing authority for the Florida Arts Council; providing for terms of members; providing a limitation on consecutive terms of membership; providing qualifications for council appointees; revising a duty of the council; amending s. 265.286, F.S.; revising the scope of a challenge grant program authorized by the Division of Cultural Affairs of the Department of State; providing match ratio criteria for local, regional, and state or capital projects; providing an effective date.

By the Committees on Judiciary; Natural Resources; and Senator Smith—

CS for CS for SB 556—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; revising violations and penalties relating to saltwater fisheries; revising grounds and penalties for violation of restrictions imposed upon a saltwater products licensee during the period of license suspension or revocation; creating penalties for the purchase or sale of illegally harvested saltwater products taken in violation of s. 16, Article X of the State Constitution; clarifying that licenses or permits under which a violation is committed may be subject to suspension or revocation; clarifying that persons, firms, or corporations cited for violations are subject to monetary penalties assessed by the commission; amending s. 370.06, F.S.; revising and clarifying requirements for saltwater products licenses and endorsements; clarifying the saltwater products license income exemption for disabled persons; limiting the restricted species endorsement available to such persons; providing that saltwater products received by a wholesale dealer are presumed to have been purchased; amending s. 370.061, F.S.; revising and clarifying requirements and procedures for confiscation and forfeiture of property used in a saltwater products violation; requiring notice of seizure to the registered owner of the property prior to issuance of a forfeiture order; authorizing the courts to order property forfeited to the commission for second or subsequent convictions; revising procedure for return of property to an innocent owner; amending s. 370.07, F.S.; prohibiting purchase or sale of illegally taken saltwater products; providing a penalty; providing that saltwater products received by a retail dealer or restaurant are presumed to have been purchased; reenacting ss. 370.092(3) and (4), 370.093(5), F.S., to incorporate the amendment to s. 370.021, F.S., in references; amending s. 370.142, F.S.; correcting cross-references; amending s. 372.70, F.S.; providing that the state attorney shall represent the state in prosecutions of violations of hunting and fishing laws; amending s. 372.9901, F.S.; revising procedures for seizure and forfeiture of property used in the illegal taking of deer or wild turkey; requiring notice of seizure to the registered owner of the property prior to issuance of a forfeiture order;

authorizing the courts to order property forfeited to the commission for second or subsequent convictions; revising procedure for return of property to an innocent owner; transferring, renumbering, and amending s. 372.31, F.S.; providing for exercise of the police power of the state in cases relating to illegal fishing; creating s. 372.99022, F.S.; providing penalties for molestation of or theft from certain freshwater fishing gear; prohibiting transfer of endorsements under certain circumstances; amending s. 372.9904, F.S.; correcting a cross-reference; amending s. 372.9905, F.S.; combining and conforming provisions relating to applicability of seizure and forfeiture requirements; amending s. 323.001, F.S.; correcting a cross-reference; repealing ss. 372.311, 372.312, 372.313, 372.314, 372.315, 372.316, 372.317, 372.318, 372.319, 372.321, 372.9902, F.S., relating to forfeiture proceedings, delivery of property to a claimant, proceedings when no claim is filed or a claim is filed, representation of the state by the state attorney, judgments of forfeiture, service charges, disposition of proceeds of forfeiture, exercise of police power, and applicability of certain seizure and forfeiture requirements; providing an effective date.

By the Committees on Appropriations; Finance and Taxation; and Senator Sebesta—

CS for CS for SB 568—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.089, F.S.; increasing the amount of revenue deposited into the Grants and Donations Trust Fund from the sale of license plates stamped with the words “National Guard,” “Pearl Harbor Survivor,” “Combat-wounded veteran,” or “U.S. Reserve”; providing for the issuance, without payment of the license tax, of Pearl Harbor Survivor license plates or Purple Heart license plates to certain disabled veterans; amending s. 320.08058, F.S.; revising the date after which a newly created collegiate license plate is subject to the requirements of s. 320.08053, F.S.; providing an effective date.

By the Committees on Finance and Taxation; Transportation; and Senators Clary and Latvala—

CS for 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 Committee on Governmental Oversight and Productivity; and Senator Garcia—

CS for SB 654—A bill to be entitled An act relating to public records; amending s. 119.07(3)(m), F.S., expanding the exemption to include replies and invitations to negotiate; changing the time period during which records are exempt; amending s. 287.0595, F.S.; expanding the exemption to include proposal or replies; changing the time period during which records are exempt; providing a statement of public necessity; providing an effective date.

By the Committee on Criminal Justice; and Senator Miller—

CS for SB 730—A bill to be entitled An act relating to video games; creating s. 847.301, F.S.; creating the “Children’s Protection from Violent Video Games Act of 2002”; providing definitions; prohibiting sale or rental of video games under certain circumstances; restricting public display of certain video games; requiring official rating on specified video games; providing penalties; providing an effective date.

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

CS for SB 922—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the terms “compensation” and “bonus” for purposes of the system; providing an effective date.

By the Committee on Natural Resources; and Senator Brown-Waite—

CS for SB 1064—A bill to be entitled An act relating to the Florida Coastal Management Program; amending ss. 308.205, 380.24, 380.285, F.S.; transferring all powers and duties, and functions of the Florida Coastal Management Program from the Department of Community Affairs to the Department of Environmental Protection; conforming provisions to changes made by the act; providing an effective date.

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

CS for CS for SB 1088—A bill to be entitled An act relating to enterprise zones; authorizing certain counties to apply for amendment of enterprise zone boundary lines; providing deadlines; prescribing conditions applicable to the areas proposed for addition to the enterprise zones; directing the Office of Tourism, Trade, and Economic Development to approve such amendments under certain conditions; providing for application of this act; creating s. 290.00686, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Brevard County; providing requirements with respect thereto; authorizing the City of Pensacola to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in the City of Pensacola; authorizing the office to designate one enterprise zone in the City of Pensacola; providing requirements with respect thereto; authorizing Leon County, or Leon County and the City of Tallahassee jointly, to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Leon County; authorizing the office to designate one enterprise zone notwithstanding certain limitations; providing requirements with respect thereto; providing an effective date.

By the Committee on Judiciary; and Senators Garcia and Campbell—

CS for SB 1098—A bill to be entitled An act relating to foster care; amending s. 39.812, F.S.; specifying the circumstances under which the Department of Children and Family Services may remove a child from a foster home after denying the foster parent’s application for adoption; providing legislative findings and intent regarding the delivery of services under the child welfare system and the role of foster parents as participants in the system; creating s. 409.1684, F.S.; creating the “Foster Parent Act”; specifying responsibilities of the department with respect to foster parents; specifying responsibilities of foster parents; requiring the department and agencies providing foster care services under contract with the department to prepare an annual plan for implementation of the act; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Sanderson—

CS for SB 1102—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; amending the definition of “eligible employee”; providing for an extension of time to transfer assets from the defined benefit plan in the event of market disruption; providing for acceptance of rollovers; requiring that the election be filed with the third-party administrator; amending the earnings rate for funds in the suspense account to be invested by the board; providing for spousal notification of designation of beneficiary; providing for spousal rollovers to an eligible retirement plan; providing authorization for statements under oath; amending s. 121.571, F.S., relating to contributions to participant accounts; providing for a penalty for late contributions; providing for an assessment equal to certain market losses; providing for calculating the assessment; providing an effective date.

By the Committee on Education; and Senator Wise—

CS for SB 1156—A bill to be entitled An act relating to students having a disability; creating s. 232.2464, F.S.; providing a definition; providing eligibility for accommodations in taking the Florida Comprehensive Assessment Test or the High School Competency Test required

for high school graduation; providing requirements for eligibility for a standard high school diploma; providing for adoption of rules; providing for funding for accommodations; providing an effective date.

By the Committee on Criminal Justice; and Senators Posey and Crist—

CS for SB 1190—A bill to be entitled An act relating to sheriffs; amending s. 30.09, F.S.; providing an exception from bonding requirements for special deputies in the event of certain terrorist acts; amending s. 30.49, F.S.; revising provisions relating to submission of budgets by sheriffs; providing an effective date.

By the Committee on Education; and Senator Miller—

CS for SB 1250—A bill to be entitled An act relating to public school health care services; creating s. 381.00593, F.S.; creating a public school volunteer health care practitioner program; providing a short title; providing purpose; providing a definition; providing for waiver of biennial active license renewal fees and fulfillment of continuing education hours for specified health care practitioners who provide their services, without compensation, in the public schools; providing program and eligibility requirements; providing immunity from liability and workers' compensation protection; providing for payment of any resulting increase in liability insurance premiums; providing administrative responsibilities; providing rulemaking authority; providing for implementation; providing an effective date.

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

CS for SB 1262—A bill to be entitled An act relating to medical negligence; amending s. 768.13, F.S.; providing immunity from civil damages under the Good Samaritan Act for actions taken in response to situations during a declared public health emergency; revising the circumstances under which immunity from civil damages is extended to actions taken by persons licensed to practice medicine; providing an effective date.

By the Committee on Natural Resources; and Senator Meek—

CS for SB 1282—A bill to be entitled An act relating to wildflowers; creating the Wildflower Council within the Florida Wildflower Foundation, Inc.; providing for membership and functions of the council; amending s. 320.08058, F.S.; revising provisions for distribution and use of wildflower license plate annual use fees; amending s. 403.4131, F.S.; eliminating provisions relating to the Wildflower Advisory Council within Keep Florida Beautiful, Inc.; transferring certain funds; providing an effective date.

By the Committees on Finance and Taxation; Comprehensive Planning, Local and Military Affairs; and Senator Pruitt—

CS for CS for SB 1360—A bill to be entitled An act relating to property tax administration; amending s. 194.011, F.S.; authorizing the Department of Revenue to prescribe the form of a petition to the value adjustment board; providing a timeline for the exchange of information and uniform procedures for value adjustment board hearings; amending s. 194.032, F.S.; revising the deadline for a notice of appearance; amending s. 194.035, F.S.; requiring value adjustment boards to use special masters who have specified qualifications; amending s. 195.062, F.S.; authorizing the Department of Revenue to update the guidelines for tangible personal property assessment upon the approval of the executive director; amending s. 197.182, F.S.; establishing procedures and timelines for approval or denial of property tax refund claims; amending s. 200.069, F.S.; providing that the Department of Revenue may adjust the placement of required information on Truth-In-Millage forms; creating s. 125.271, F.S.; authorizing certain counties to levy a special assessment to fund emergency medical services; ratifying special assessments

levied before the effective date of this section; amending s. 163.387, F.S.; adding an independent special fire control district to the list of entities exempt from making payments to a redevelopment trust fund; amending s. 193.092, F.S.; providing an exception to the requirement for assessing taxes to a current owner of property that has previously escaped taxation; amending s. 196.161, F.S.; providing a waiver of penalty and interest in specified instances wherein a taxpayer erroneously receives a homestead tax exemption; amending s. 200.065, F.S.; revising the procedure by which a property appraiser may correct an error in notices of proposed taxes; amending s. 420.5093, F.S.; prescribing how property in the State Housing Tax Credit Program shall be assessed; amending s. 420.5099, F.S.; prescribing how rent-restricted units in a low-income tax credit development shall be assessed; amending s. 197.552, F.S.; providing for survival of special district or community development district liens; amending s. 193.461, F.S.; providing that property that has received an agricultural classification is entitled to such classification until agricultural use is abandoned; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Crist—

CS for SB 1402—A bill to be entitled An act relating to the Office of Program Policy Analysis and Government Accountability; providing a short title; requiring the office to report certain economic indicators to the Legislature each year for certain purposes; requiring the office to establish methodologies and assumptions relating to such indicators; requiring the office to develop such economic indicators for certain years; providing an effective date.

By the Committees on Criminal Justice; Governmental Oversight and Productivity; and Senator Futch—

CS for CS for SB 1404—A bill to be entitled An act relating to law enforcement; creating the Law Enforcement Agency Consolidation Task Force within the Executive Office of the Governor; prescribing task force membership; providing for meetings and duties of the task force; providing for reimbursement; requiring the Executive Office of the Governor to provide staff support; requiring cooperation by state agencies; requiring state agencies that have law enforcement functions or sworn law enforcement personnel to submit a report to the task force; providing for abolishing the task force at a future date; providing an effective date.

By the Committee on Criminal Justice; and Senator Garcia—

CS for SB 1426—A bill to be entitled An act relating to illegal bringing of certain aliens into the state; providing definitions; providing penalties; providing an increased penalty when a person is seriously injured or killed as a result of a violation of the act; providing appropriate sentencing considerations; providing for videotaped depositions; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Sebesta—

CS for SB 1534—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public-records requirements for medical information relating to an individual's health held by local governmental entities or their service providers for purposes of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act or the Transportation Disadvantaged Program as provided in part I of ch. 427, F.S.; providing conditions upon which such information may be disclosed; providing for retroactive application of the exemption; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Education; and Senators Villalobos, Peaden and Wise—

CS for SB 1542—A bill to be entitled An act relating to community college funding; amending s. 240.359, F.S.; revising the method of deter-

mining the annual apportionment to each community college from state funds; providing an effective date.

By the Committee on Education; and Senator Wasserman Schultz—

CS for SB 1552—A bill to be entitled An act relating to public school curriculum; requiring each district school board to develop a plan for a K-12 foreign language curriculum; requiring submission of the plan to the Commissioner of Education; providing for technical assistance; requiring submission of a summary report of school district plans; providing an effective date.

By the Committee on Criminal Justice; and Senator Silver—

CS for SB 1554—A bill to be entitled An act relating to transportation; amending s. 318.1451, F.S.; authorizing governmental entities and courts to prepare information concerning driver improvements schools; amending s. 318.21, F.S.; authorizing use of civil penalties to fund local law enforcement automation under certain circumstances; providing an effective date.

By the Committee on Education; and Senator Villalobos—

CS for SB 1562—A bill to be entitled An act relating to public records and meetings; reenacting and amending section 240.213(4), F.S.; providing that self-insurance programs adopted by the university or college boards of trustees may not sue or be sued and their claims files are exempt from public-disclosure requirements; reenacting and amending s. 240.237, F.S.; providing that certain university and college student records as prescribed by the university and college board of trustees are exempt from public-disclosure requirements; reenacting and amending s. 240.241(2), F.S.; providing that certain records of a division of sponsored research are exempt from public-disclosure requirements; reenacting and amending s. 240.253, F.S.; providing that university and college boards of trustees adopt rules relating to employee records; providing that certain university and college employee records are exempt from public-disclosure requirements; reenacting and amending s. 240.299(5), F.S.; providing that the State Board of Education receive an annual audit report; providing that the State Board of Education may request certain records; providing that the State Board of Education and the university and college boards of trustees may request supplemental data; providing that certain organization records and donor identities are exempt from public-disclosure requirements; reenacting and amending s. 240.2996, F.S.; providing that certain records of the university and college health services support organizations are exempt from public-disclosure requirements; conforming references to the Secretary of State to the custodian of state records; providing that certain meetings of university and college health services support organizations are exempt from public-meetings requirements; reenacting and amending s. 240.323, F.S.; providing that the State Board of Education adopt rules relating to student records; providing that certain community college student records are exempt from public-disclosure requirements; reenacting and amending s. 240.331(6), F.S.; providing for receipt of audit report by State Board of Education; providing that certain community college direct support organization records are exempt from public-disclosure requirements; reenacting s. 240.3315(6), F.S., relating to exemptions for certain donor identities from public-disclosure requirements; reenacting and amending s. 240.337, F.S.; providing that the State Board of Education adopt rules relating to employee records; providing that certain community college employee records are exempt from public-disclosure requirements; reenacting and amending s. 240.512(8) and (9), F.S.; providing that the State Board of Education must be given access to all proprietary confidential business information; providing certain records and meetings of the H. Lee Moffitt Cancer Center and Research Institute and its not-for-profit subsidiaries are exempt from public-disclosure and public-meetings requirements; reenacting and amending s. 240.551(14) and (22)(c), F.S.; relating to an exemption for identities of certain purchasers, beneficiaries, and donors, and their account records from public-disclosure requirements; reenacting s. 240.554, F.S., relating to exemptions from public-disclosure requirements for certain account information of the Florida College Savings Program; reenacting and amending s. 240.711(2)(h), F.S.; conforming a

cross-reference; providing for exemption from public-disclosure requirements for certain donor identities; creating s. 246.1112, F.S.; providing an exemption for complaints and information obtained in an investigation from public-disclosure requirements for a specified period after a finding of probable cause; providing that certain panel proceedings are exempt from public-meetings requirements until the panel declares a finding of probable cause; providing findings of public necessity; providing an effective date.

By the Committee on Education; and Senator Villalobos—

CS for SB 1564—A bill to be entitled An act relating to education governance; amending s. 11.061, F.S.; providing procedures for registering as a lobbyist for a state university, college, or community college; providing penalties for employees of state universities, colleges, and community colleges who fail to register or record hours; amending s. 11.062, F.S.; prohibiting certain uses of public funds for lobbying by state colleges; amending s. 110.123, F.S.; providing that certain personnel are eligible enrollees, state employees, and state officers for purposes of the state group insurance program; specifying that state universities and colleges are state agencies only for purposes of the state group insurance program; amending s. 120.52, F.S.; including state universities and colleges as educational units for purposes of the Administrative Procedure Act; eliminating obsolete references; amending s. 120.55, F.S.; including state colleges within provisions governing the Florida Administrative Code; amending s. 120.81, F.S.; including state universities and colleges in provisions governing rulemaking; eliminating references to the State University System; providing for university and college boards of trustees to establish a student judicial review committee; repealing s. 231.621, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program; reenacting and amending s. 239.117, F.S.; revising certain fee waivers provided under the workforce development programs and provided for adult basic instruction; conforming provisions to changes made by the act; reenacting and amending s. 240.105, F.S.; providing legislative findings with respect to the state's educational mission; reenacting s. 240.107, F.S., relating to the examination for college-level communication and computation skills; reenacting and amending s. 240.115, F.S.; conforming provisions to changes made by the act; eliminating obsolete provisions; authorizing the State Board of Education to delegate certain authority to a division director; reenacting and amending s. 240.116, F.S.; conforming provisions to changes made by the act; authorizing certain articulation agreements to establish participation requirements; permitting school districts to assign different grade weighting schemes to different types of high school courses, except for specified courses that must be graded with the same weighting scheme; providing for dual enrollment in career and technical education programs; authorizing the Articulation Coordinating Committee rather than the postsecondary educational institution to determine college course numbers for which certain high school courses will confer college credit; reenacting and amending s. 240.1161, F.S.; requiring certain articulation agreements to contain participation restrictions, including passing the common placement test and minimum grade point averages; removing a requirement that a high school plan must delineate secondary courses that confer credit in certain postsecondary courses; conforming provisions with changes made by the act in reassigning that responsibility; reenacting and amending s. 240.1162, F.S.; requiring the articulation accountability process to include independent institutions; reenacting and amending s. 240.1163, F.S.; conforming provisions to changes made by the act; eliminating certain provisions concerning dual enrollment courses and agreements; reenacting and amending s. 240.117, F.S., relating to common placement testing for postsecondary education; conforming provisions to changes made by the act; reenacting and amending s. 240.118, F.S., relating to postsecondary feedback of information to high schools; conforming provisions; reenacting and amending s. 240.1201, F.S.; authorizing acceptance of an electronic signature for certain applications; repealing ss. 240.122, 240.124, 240.125, 240.126, F.S., relating to budgeting based on programs and numbers of students, funding for continuous enrollment in college credit courses, and the consortium of postsecondary education; reenacting s. 240.127, F.S., relating to the Florida Uniform Management of Institutional Funds Act; reenacting and amending s. 240.128, F.S.; requiring legislative approval for certain acquisitions; repealing s. 240.132, F.S., relating to participation by students or employees in disruptive activities; reenacting and amending s. 240.1325, F.S.; conforming provisions prohibiting hazing activities; reenacting and amending s. 240.133, F.S.; revising provisions governing the expulsion and discipline of students; conforming provisions to changes made by the act; reenacting and amending s. 240.134,

F.S.; requiring policies for accommodating religious observance; repealing s. 240.135, F.S., relating to signing vouchers for funds provided by the United States; reenacting and amending s. 240.136, F.S.; specifying certain acts sufficient for removal from office of elected student government officials; repealing s. 240.139, F.S., relating to microfilming and disposing of original records; reenacting and amending s. 240.152, F.S.; conforming provisions governing admission of students with disabilities to federal guidelines and state law; reenacting and amending s. 240.153, F.S.; conforming provisions governing progression and graduation of students with a documented disability; reenacting and amending s. 240.155, F.S.; providing requirements for campus master plans and development agreements; including in certain planning requirements land owned by a university as a result of changes made by the act; reenacting and amending s. 240.156, F.S., relating to the State University System Concurrence Trust Fund; conforming provisions to changes made by the act; reenacting and amending s. 240.2011, F.S.; eliminating obsolete references to the State University System; creating s. 240.2012, F.S.; providing for governance of the state universities and colleges; limiting authority to operate or regulate state postsecondary education institutions; providing for the status of each university and college as an independent, separate legal entity; requiring the Governor to appoint boards of trustees; providing for Senate confirmation; providing for removal of a board member based upon violation of s. 286.011, F.S.; creating each board of trustees as a public body corporate; providing requirements for suits against a board; establishing terms of office; providing responsibility for policy decisions; establishing university and college boards of trustees as instrumentalities or agencies of the state for purposes of sovereign immunity; creating s. 240.2013, F.S.; vesting each university and college board of trustees with authority to govern and set policy; providing rulemaking authority; providing for selecting, compensating, and evaluating a president; requiring a planning process; requiring each board to provide for academic freedom and academic responsibility; requiring an institutional budget request; authorizing program approval and termination; requiring legislative approval for certain programs; providing requirements for managing real property owned by the state or by the institution; retaining certain authority delegated to the Board of Internal Improvement Trust Fund and Division of State Lands; authorizing each board of trustees to secure certain appraisals and surveys in compliance with rules of the Board of Internal Improvement Trust Fund; providing for certain contracts without competitive selection; authorizing agreements for and use of certain credit transactions; authorizing establishment of a personnel program; authorizing a board to use, maintain, protect, and control certain property, names, trademarks, and other proprietary marks; authorizing restrictions on certain activities and facilities; authorizing a board to prioritize and impose charges for the use of space, property, equipment, and resources; providing for the establishment and coordination of policies relating to educational offerings; requiring that each board establish a procurement program; authorizing each board to sell, lease, license, or otherwise provide goods, materials, and services; requiring that a board comply with certain provisions in procuring professional services; requiring that a board establish and administer faculty practice plans for the academic health science centers; authorizing a board to exercise the right of eminent domain, subject to approval by the State Board of Education; requiring that a board comply with specified provisions with respect to procurement and construction contracts; providing certain exemptions; requiring that a board establish a program for the maintenance and construction of facilities; requiring that a board secure workers' compensation coverage for certain contractors and subcontractors; prohibiting naming a school, college, or center for a living person unless approved by the State Board of Education; providing requirements for a board in managing enrollment; requiring that a board advise certain students of the availability of programs at other universities and colleges and the admissions requirement of such programs; providing that a board ensure that at least half of the required coursework for any baccalaureate degree in the system is offered at the lower-division level, except in program areas approved by the State Board of Education; requiring that a board ensure that university and college students are aware of program prerequisites for certain programs; authorizing a board to rent or lease parking facilities; requiring a board to implement the university facilities plan in accordance with certain laws and guidelines; providing that for purposes of ch. 284, F.S., university and college boards of trustees are state agencies; providing an exception; creating s. 240.2014, F.S.; specifying powers and duties of each university or college president; requiring an approval process for certain contracts; providing requirements for procuring professional services; providing for removing a president from office for certain violations of s. 286.011, F.S.; authorizing a president to delegate certain authority; repealing ss. 240.202, 240.203, 240.205,

240.207, 240.209 F.S.; relating to authority of university presidents, responsibilities of the State Board of Education, and the appointment and duties of the Board of Regents; reenacting and amending s. 240.2093, F.S.; authorizing the State Board of Education to request the issuance of bonds or other forms of indebtedness; eliminating obsolete provisions; authorizing conditions under which the State Board of Education may approve the issuance of bonds or other forms of indebtedness by a direct-support organization; reenacting and amending s. 240.2094, F.S.; requiring that funds for the operation of state universities and colleges be requested and appropriated as grants and aids; eliminating obsolete provisions with respect to positions and salary rates; repealing ss. 240.20941, 240.2095, 240.2097, F.S., relating to vacant faculty positions, program approval by the Board of Regents, and required rules; reenacting and amending s. 240.2098, F.S.; requiring each college and university to have a student ombudsman office; providing for an appeal procedure; eliminating a requirement that the appeal procedure must be included in the university catalog; reenacting and amending s. 240.2099, F.S.; requiring that the State Board of Education establish the Florida Center for Advising and Academic Support; eliminating obsolete provisions; providing for an oversight committee; requiring the universities, colleges, and community colleges to implement the system; repealing ss. 240.2111, 240.2112, F.S., relating to an employee recognition program and employee bonuses; reenacting and amending s. 240.213, F.S.; authorizing university and college boards of trustees to secure, or otherwise provide as a self-insurer, general liability insurance for the boards and others; eliminating references to the State University System; providing that general liability insurance for certain not-for-profit corporations and its officers, employees, and agents, is subject to approval of the self-insurance program council and the university or college board of trustees; requiring a board of trustees to adopt rules; providing that if the self-insurance program is established for health or veterinary services, the Vice President of Health Affairs or his or her designee shall serve as chair of the governing council; requiring an annual actuary review to establish funding requirements; providing that the self-insurance program assets shall be deposited outside the State Treasury; requiring an annual post audit and audit review; providing for funding the self-insurance program; providing for the assets of the self-insurance program to be the property of a university or college board of trustees and used only for certain expenses; providing requirements for investment income; providing rulemaking authority; reenacting and amending s. 240.214, F.S.; eliminating obsolete provisions; requiring the State Board of Education to submit an annual accountability report; repealing s. 240.2145, F.S., relating to an annual evaluation of the State University System accountability process; reenacting and amending s. 240.215, F.S.; providing for payment of costs in a civil action against officers, agents, members, or employees of a university or college board of trustees; authorizing a university or college board of trustees to obtain insurance; conforming provisions to changes made by the act; repealing ss. 240.217, 240.219, F.S., relating to eminent domain and representation by the Department of Legal Affairs in condemnation proceedings; reenacting and amending s. 240.222, F.S.; clarifying the assent of the Legislature to the Hatch Act and Morrill Land-Grant Acts for the University of Florida and Florida Agricultural and Mechanical University; reenacting and amending s. 240.223, F.S.; conforming provisions to changes made by the act; authorizing each university and college board of trustees to act as trustees; providing that all prior acts of and appointments by the former Board of Regents are approved, ratified, confirmed, and validated; reenacting and amending s. 240.229, F.S.; providing powers of universities and colleges with respect to patents, copyrights, and trademarks; repealing s. 240.231, F.S., relating to payment of costs of civil actions; reenacting and amending s. 240.233, F.S.; providing for rules governing the admission of students, subject to approval by the State Board of Education; providing registration requirements with respect to transfer students; providing requirements for orientation programs; reenacting and amending s. 240.2333, F.S.; eliminating certain rulemaking authority of the Articulation Coordinating Committee; reenacting and amending s. 240.235, F.S.; requiring each university and college board of trustees to set matriculation and tuition fees; providing for the fees to take effect; providing a cap on certain fees; eliminating obsolete dates relating to initial aggregate athletic fees; providing for a nonrefundable application fee; providing for an orientation fee; providing for a fee for security, access, or identification cards; providing for material and supplies fees; providing for a Capital Improvement Trust Fund fee; providing for a building fee; providing for a financial aid fee; requiring that proceeds of the financial aid fee remain at each campus and replace existing financial aid fees; requiring the State Board of Education to specify limits on the percent of the fees to be carried forward to the following fiscal year; providing for a portion of funds from

the student financial aid fee be used to provide financial aid based on absolute need; providing award criteria; providing for certain user fees; providing an admissions deposit fee for the University of Florida College of Dentistry; providing for registration fees; providing for service charges; providing for deposit of installment-fee revenues; providing for late registration and payment fees; providing for waiver of certain fees; providing a fee for miscellaneous health-related charges; providing for housing rental rates and miscellaneous housing charges; providing for charges on overdue accounts; providing for service charges in lieu of interest and administrative handling charges; providing for a fee for certain off-campus courses; providing for library fees and fines; providing fees for duplicating, photocopying, binding, and microfilming; providing for fees for copyright services; providing for fees for testing; providing for fees and fines relating to loss and damage of facilities and equipment; providing for returned-check fees; providing for traffic and parking fines and charges; providing a fee for the educational research center for child development; providing for fees for transcripts and diploma replacement; providing for replacement card fees; providing for a systemwide standard fee schedule; authorizing a board of trustees to approve the expenditure of fee revenues; providing for a differential out-of-state tuition fee for certain universities and colleges; providing that the assessment of additional fees is subject to approval by the State Board of Education; reenacting and amending s. 240.237, F.S.; providing that each university and college board of trustees may prescribe the content and custody of certain student records and reports; reenacting and amending s. 240.239, F.S.; requiring universities and colleges to present associate in arts certificates upon request to qualified students; reenacting and amending s. 240.241, F.S.; authorizing a university board of trustees to create divisions of sponsored research; providing for policies to regulate the activities of divisions of sponsored research; requiring the board of trustees to submit reports to the State Board of Education; requiring the State Board of Education to report to the Legislature; providing that title to real property to certain lands acquired through the division of sponsored research vests in a university board of trustees; eliminating authorization of divisions of sponsored research to pay per diem and travel expenses for state officers and employees; authorizing the State Board of Education to establish additional positions within the divisions of sponsored research; providing rulemaking authority; reenacting and amending s. 240.242, F.S.; requiring the State Board of Education to certify the leasing of education facilities in a research and development park; reenacting and amending s. 240.243, F.S.; requiring state universities and colleges to follow the required number of classroom teaching hours for faculty members; reenacting and amending s. 240.245, F.S.; requiring evaluations of faculty members; requiring the State Board of Education to establish criteria for evaluating service to public schools; eliminating obsolete provisions; reenacting and amending s. 240.246, F.S.; requiring the State Board of Education to adopt rules to require tests of spoken English for certain faculty members; reenacting and amending s. 240.2475, F.S.; requiring state universities and colleges to maintain an employment equity and accountability program; eliminating obsolete provisions; requiring state university and college presidents to submit an equity report to the State Board of Education; requiring the presidential evaluations to be submitted to the State Board of Education; requiring each university and college board of trustees to evaluate its president on achieving annual equity goals; requiring the State Board of Education to submit the annual equity report to the Legislature; eliminating obsolete provisions; eliminating funding requirements; reenacting and amending s. 240.253, F.S.; requiring each university and college board of trustees to adopt rules governing employee records; reenacting and amending s. 240.2601, F.S.; conforming provisions to changes made by the act with respect to the Facility Enhancement Challenge Grant Program; providing for the State Board of Education to administer the Alec P. Courtelis Capital Facilities Matching Trust Fund; requiring the State Board of Education to submit a list of eligible projects to the Legislature; requiring that eligible projects be approved by the State Board of Education; reenacting and amending s. 240.2605, F.S.; eliminating obsolete provisions; requiring the State Board of Education to define instructions and research programs for purposes of matching grants; requiring the State Board of Education to allocate funds to match private donations; providing requirements for requests for matching funds; providing state matching funds for pledged contributions based on certain factors; requiring foundations to report to the State Board of Education; providing rulemaking authority for State Board of Education to specify certain donations; limiting the amount of matching funds used to match a single gift; providing for distribution; reenacting and amending s. 240.261, F.S.; authorizing each university and college board of trustees to adopt rules for codes of conduct; requiring a student handbook that includes student

rights and responsibilities, appeals procedures, roster of contact persons, and the policy on immune deficiency syndrome; requiring that the student handbook prohibit the sale, use, or possession of certain controlled substances or alcoholic beverages by underage students; requiring a policy with respect to instruction on human immunodeficiency virus infection; requiring each university and college board of trustees to establish a committee to review the student judicial system; reenacting and amending s. 240.262, F.S.; requiring state universities and colleges to establish antihazing rules; eliminating a requirement that antihazing rules be approved by the Board of Regents; reenacting and amending s. 240.263, F.S.; providing for regulation of traffic at state universities and colleges; reenacting and amending s. 240.264, F.S.; requiring each board of trustees to adopt rules for traffic and traffic penalties; reenacting and amending s. 240.265, F.S.; specifying penalties for violating a college traffic infraction; reenacting and amending s. 240.266, F.S.; providing for payment of fines, jurisdiction, and procedures for college traffic authorities; reenacting and amending s. 240.267, F.S.; providing for the use of moneys from traffic and parking fines; reenacting and amending s. 240.268, F.S.; providing for college police; eliminating obsolete provisions; providing for expansion of jurisdiction for university and college police to include property and facilities of direct-support organizations; reenacting and amending s. 240.2682, F.S.; providing that state universities and colleges are subject to the Florida Postsecondary Education Security Information Act; reenacting and amending s. 240.2683, F.S.; eliminating obsolete provisions; requiring each postsecondary institution to file a campus crime report with the Commissioner of Education; reenacting s. 240.2684, F.S., relating to the assessment of physical plant safety; reenacting and amending s. 240.271, F.S.; providing for funding for state universities and colleges; conforming provisions to changes made by the act; eliminating a reference to allocations by the Board of Regents; requiring the State Board of Education to establish and validate a cost-estimating system; eliminating obsolete provisions; repealing ss. 240.272, 240.273, F.S., relating to carryforward of unexpended funds and the apportionment of property to the State University System; reenacting and amending s. 240.274, F.S.; providing a mechanism for public documents to be distributed to state universities and colleges; eliminating obsolete provisions; reenacting and amending s. 240.275, F.S.; providing that the law libraries of Florida Agricultural and Mechanical University and Florida International University are state legal depositories; eliminating obsolete provisions; repealing s. 240.276, F.S., relating to specified university publications; reenacting and amending s. 240.277, F.S.; eliminating obsolete provisions; providing that certain funds received by state universities and colleges may be expended as approved by the State Board of Education; repealing s. 240.279, F.S., relating to working capital trust funds; reenacting and amending s. 240.2803, F.S.; authorizing auxiliary enterprises; repealing ss. 240.28031, 240.28035, F.S., relating to the Ancillary Facilities Construction Trust Fund and the Education-Contracts, Grants, and Donations Trust Fund; reenacting and amending s. 240.2805, F.S.; requiring the State Board of Education to administer the Capital Improvement Fee Trust Fund and the Building Fee Trust Fund; eliminating obsolete provisions; reenacting and amending s. 240.281, F.S.; authorizing the deposit of funds received by state universities and colleges outside the State Treasury; repealing ss. 240.283, 240.285, 240.287, 240.289, F.S., relating to extra compensation for State University System employees, the transfer of funds, the investment of university agency and activity funds, and use of credit, charge, and debit cards; reenacting and amending s. 240.291, F.S.; authorizing state universities and colleges to collect on delinquent accounts; providing rulemaking authority for boards of trustees; reenacting and amending s. 240.293, F.S.; authorizing contracts for certain goods and services; reenacting and amending s. 240.2945, F.S.; exempting state universities and colleges from local amendments to the Florida Building Code and the Fire Prevention Code; reenacting and amending s. 240.295, F.S.; eliminating obsolete provisions; authorizing fixed capital outlay projects for state universities and colleges; providing for the State Board of Education to adopt rules; requiring prior consultation with the student government association for certain projects; requiring each university and college board of trustees to assess campus hurricane shelters and submit a report; reenacting and amending s. 240.296, F.S.; providing for a facilities loan and debt surety program for state universities and colleges; eliminating obsolete provisions; requiring the State Board of Education to adopt rules governing secondary credit enhancement; repealing s. 240.2985, F.S., relating to the Ethics in Business Scholarship Program; reenacting and amending s. 240.299, F.S.; providing for direct-support organizations; eliminating obsolete provisions; providing for certification by the State Board of Education of direct-support organizations; authorizing the university and college boards of trustees to adopt rules

prescribing certain conditions for compliance by direct-support organizations; requiring each board and the State Board of Education to review audit reports; requiring the State Board of Education to approve facility agreements; reenacting and amending s. 240.2995, F.S.; providing for college health services support organizations; authorizing boards of trustees to establish health services support organizations; authorizing the State Board of Education to adopt rules prescribing compliance with certain conditions for the health services support organizations; eliminating obsolete provisions; authorizing a university and college board of trustees to appoint representatives to the board of directors of the health services support organization; reenacting and amending s. 240.2996, F.S., relating to confidentiality of information for college health services support organizations; eliminating obsolete provisions; amending s. 240.2997, F.S., relating to the Florida State University College of Medicine; eliminating obsolete provisions; reenacting and amending s. 240.301, F.S., relating to the definition, mission, and responsibility of community colleges; eliminating references to the State Board of Community Colleges; providing for community colleges to offer baccalaureate degrees; reenacting and amending s. 240.303, F.S.; defining the terms "community college" and "junior college" to have the same meaning; reenacting and amending s. 240.3031, F.S.; specifying the institutions that comprise the state's community colleges; deleting obsolete provisions; redesignating St. Petersburg Junior College; repealing ss. 240.305, 240.309, 240.311, 240.3115, F.S., relating to the establishment, organization, and duties of the State Board of Community Colleges; reenacting and amending s. 240.312, F.S.; providing requirements for the director of the Division of Community Colleges with respect to program reviews of community colleges; deleting obsolete provisions; reenacting and amending s. 240.313, F.S.; relating to the establishment and organization of district boards of trustees; defining the district board of trustees, community college district, and community college as one legal entity; eliminating references to the number of members on a district board; clarifying the time for taking office; reenacting and amending s. 240.315, F.S.; specifying powers of the boards of trustees as corporations; reenacting and amending s. 240.317, F.S., relating to legislative intent concerning community colleges; conforming provisions to changes made by the act; creating s. 240.318, F.S.; providing duties and powers of community college presidents; authorizing the president to delegate such powers and duties; reenacting and amending s. 240.319, F.S.; providing duties and powers of community college district boards of trustees; authorizing district boards of trustees to delegate such powers and duties; eliminating obsolete provisions; providing duties and powers of the State Board of Education; transferring specified duties from the Department of Education to the district boards of trustees; reenacting s. 240.3191, F.S., relating to community college student handbooks; reenacting s. 240.3192, F.S., relating to HIV and AIDS policy; reenacting s. 240.3193, F.S., relating to the student ombudsman office; reenacting and amending s. 240.3195, F.S.; revising provisions governing the community college retirement system; conforming provisions to changes made by the act; repealing s. 240.32, F.S., relating to the approval of new programs at community colleges; reenacting and amending s. 240.321, F.S.; requiring district boards to adopt rules governing admissions; conforming provisions to changes made by the act; reenacting and amending s. 240.3215, F.S.; providing standards for student performance for the award of degrees and certificates; reenacting and amending s. 240.323, F.S., relating to student records; transferring duties from the State Board of Community Colleges to the State Board of Education; reenacting and amending s. 240.324, F.S.; providing requirements for community college district boards of trustees with respect to accountability and evaluations; repealing s. 240.325, F.S., relating to minimum standards, definitions, and guidelines for community colleges; reenacting and amending s. 240.326, F.S.; requiring each board of trustees to adopt an antihazing policy; removing a requirement that the State Board of Education approve such policy; reenacting s. 240.327, F.S., relating to planning and construction of community college facilities; amending and reenacting s. 240.331, F.S., relating to community college direct-support organizations; requiring that the audit report be submitted to the Commissioner of Education; conforming provisions to changes made by the act; reenacting and amending s. 240.3315, F.S., relating to statewide community college direct-support organizations; requiring certification by the State Board of Education; requiring the Commissioner of Education to appoint a representative to the organization's board and executive committee; reenacting and amending s. 240.333, F.S.; providing for the purchase of land by a municipality; reenacting and amending s. 240.3335, F.S.; specifying duties of the State Board of Education with respect to centers of technology innovation; conforming provisions to changes made by the act; reenacting and amending s. 240.334, F.S., relating to technology transfer centers at

community colleges; specifying duties of the State Board of Education; reenacting s. 240.3341, F.S., relating to incubator facilities for small businesses; reenacting and amending s. 240.335, F.S., relating to employment of community college personnel; clarifying employment authority of the president, district board of trustees, and State Board of Education; reenacting and amending s. 240.3355, F.S.; providing duties of the State Board of Education and the director of the Division of Community Colleges with respect to the employment equity accountability program for community colleges; conforming provisions to changes made by the act; reenacting and amending s. 240.337, F.S.; requiring each district board of trustees to adopt rules governing personnel records; reenacting and amending s. 240.339, F.S.; providing for a letter of appointment for administrative and instructional staff; reenacting and amending s. 240.341, F.S.; revising requirements for required classroom contact hours; reenacting and amending s. 240.343, F.S., relating to sick leave; deleting obsolete provisions; reenacting 240.344, F.S., relating to retirement annuities; reenacting and amending s. 240.345, F.S., relating to financial support of community colleges; requiring the State Board of Education to adopt rules for deferring student fees; reenacting and amending s. 240.347, F.S., relating to the State Community College Program Fund; deleting obsolete provisions; reenacting s. 240.349, F.S., relating to requirements for participation in the Community College Program Fund; reenacting and amending s. 240.35, F.S., relating to student fees; authorizing a district board of trustees to set matriculation and tuition fees, based on a fee schedule adopted by the State Board of Education; reenacting s. 240.353, F.S., relating to a procedure for determining the number of instruction units; reenacting and amending s. 240.3575, F.S., relating to economic development centers; authorizing the State Board of Education to award grants; reenacting and amending s. 240.359, F.S., relating to state financial support and annual apportionment of funds; eliminating provisions providing for funding programs for disabled students; conforming provisions to changes made by the act; reenacting and amending s. 240.36, F.S.; renaming the Dr. Philip Benjamin Academic Improvement Program for Community Colleges; consolidating current matching grant programs; establishing guidelines for contributions; revising the allocation process; reenacting and amending s. 240.361, F.S., relating to budgets for community colleges; requiring the Division of Community Colleges to review budgets; reenacting and amending s. 240.363, F.S., relating to financial accounting and expenditures; requiring the State Board of Education to adopt rules; authorizing a district board of trustees to adopt rules for transferring funds to direct-support organizations; reenacting s. 240.364, F.S., relating to prohibited expenditures; reenacting s. 240.365, F.S., relating to delinquent accounts; reenacting and amending s. 240.367, F.S., relating to current loans to community college district boards of trustees; transferring approval power from the Department of Education to the State Board of Education; reenacting s. 240.369, F.S., relating to an exemption provided for community colleges from regulation by a county civil service commission; reenacting s. 240.371, F.S., relating to the transfer of benefits arising under local or special acts; reenacting and amending s. 240.375, F.S., relating to costs for civil actions against officers, employees, or agents of district boards of trustees; providing that failure of a board to take certain actions does not constitute a cause of action against the board; reenacting and amending s. 240.376, F.S.; providing responsibilities of a board of trustees with respect to property held for the benefit of the community colleges; reenacting and amending s. 240.3763, F.S.; providing requirements for a district board of trustees with respect to self-insurance services; reenacting and amending s. 240.377, F.S.; clarifying the authority of a district board of trustees over the budget for promotions and public relations; reenacting s. 240.379, F.S., relating to the applicability of certain laws to community colleges; reenacting and amending s. 240.38, F.S., relating to community college police; defining the term "campus"; eliminating requirements that certain personnel rules conform to the Career Service System; reenacting s. 240.3815, F.S., relating to reporting campus crime statistics; reenacting and amending s. 240.382, F.S., relating to child development training centers; conforming provisions to changes made by the act; reenacting and amending s. 240.383, F.S., relating to the State Community College Facility Enhancement Challenge Grant Program; conforming provisions to changes made by the act; reenacting and amending s. 240.3836, F.S., relating to site-determined baccalaureate access; specifying duties of the State Board of Education; reenacting and amending s. 240.384, F.S., relating to training school consolidation pilot projects; providing for the State Board of Education to make certain budget requests with respect to a project; redesignating part IV of ch. 240, F.S., as "State-funded Student Assistance"; reenacting s. 240.40, F.S., relating to the State Student Financial Assistance Trust Fund; reenacting

and amending s. 240.4015, F.S.; redesignating the Florida Merit Scholarship Program as the Florida Medallion Scholarship Program; reenacting and amending s. 240.40201, F.S.; revising the eligibility period for the Florida Bright Futures Scholarship Program; conforming provisions to changes made by the act; reenacting and amending ss. 240.40202, 240.40203, 240.40204, F.S.; revising eligibility requirements for the Florida Bright Futures Scholarship Program; revising application dates; providing for initial acceptance of a scholarship to conform to changes made by the act; prohibiting awards to students earning credit hours designated at the postbaccalaureate level; eliminating obsolete provisions; reenacting and amending ss. 240.40205, 240.40206, 240.40207, F.S., relating to Florida Academic Scholars awards; conforming provisions to changes made by the act; eliminating obsolete provisions; providing for the calculation of awards; repealing s. 240.40208, F.S., relating to a transition from certain scholarships to the Bright Futures Program; reenacting and amending s. 240.40209, F.S.; requiring that awards be calculated using fees prescribed by the Department of Education; reenacting s. 240.40242, F.S., relating to the use of criteria under the Bright Futures Program for scholarships for children of deceased or disabled veterans; reenacting and amending s. 240.404, F.S.; revising eligibility requirements for state-funded student assistance; conforming provisions to changes made by the act; reenacting and amending s. 240.40401, F.S.; revising requirements for developing the state-funded student assistance database; reenacting ss. 240.4041, 240.4042, F.S., relating to state financial aid for students with a disability and the appeal process for financial aid; creating s. 240.4043, F.S.; providing state-funded fee waivers for certain students at state universities, public postsecondary education institutions, technical centers, and community colleges; reenacting and amending s. 240.405, F.S.; providing for state-funded assistance for school employees; requiring that the Department of Education administer the program; providing for loan repayments and tuition reimbursement of college expenses for students who are employed in areas of certain critical shortages; providing for a loan forgiveness program; providing for a grant program; providing for a minority teacher education scholars program; providing eligibility requirements; repealing ss. 240.4063, 240.4064, 240.4065, F.S., relating to the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Program; reenacting s. 240.4067, F.S., relating to the Medical Education Reimbursement and Loan Repayment Program; repealing s. 240.40685, F.S., relating to the Certified Education Paraprofessional Welfare Transition Program; reenacting and amending s. 240.4069, F.S., relating to the Virgil Hawkins Fellows Assistance Program; providing for the fellowship to be available to minority students enrolled at all public law schools in the state; conforming provisions to changes made by the act; reenacting ss. 240.4075, 240.4076, F.S., relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program; repealing s. 240.4082, F.S., relating to the Teacher/Quest Scholarship Program; reenacting and amending s. 240.409, F.S.; providing for a Student Assistance Grant Program; incorporating provisions governing certain need-based student grants; revising the eligibility period for certain state-funded, need-based student assistance programs; conforming provisions to changes made by the act; requiring the State Board of Education to adopt rules; repealing ss. 240.4095, 240.4097, F.S., relating to the Florida Private Student Assistance Grant Program and the Florida Postsecondary Student Assistance Grant Program; reenacting and amending s. 240.4098, F.S.; providing requirements for state-funded student assistance; repealing s. 240.40985, F.S., relating to Elderly Education Program Grants; reenacting and amending s. 240.412, F.S., relating to the Jose Marti Scholarship Challenge Grant Program; revising eligibility requirements; reenacting s. 240.4125, F.S., relating to the Mary McLeod Bethune Scholarship Program; reenacting and amending s. 240.4126, F.S.; authorizing certain scholarships under the Rosewood Family Scholarship Program; reenacting s. 240.4128, F.S., relating to the minority teacher education scholars program; reenacting and amending s. 240.4129, F.S.; revising the appointment of members to the Florida Fund for Minority Teachers, Inc., to conform to changes made by the act; reenacting and amending s. 240.413, F.S., relating to the Seminole and Miccosukee Indian Scholarships; revising eligibility requirements; repealing ss. 240.414, 240.4145, 240.4146, 240.417, F.S., relating to the Latin American and Caribbean Basin Scholarship Program, the African and Afro-Caribbean Scholarship Program, the Nicaraguan and Haitian Scholarship Program, and increased registration or tuition fees for funding financial aid programs; reenacting s. 240.418, F.S., relating to need-based financial aid; reenacting and amending s. 240.421, F.S.; creating the Florida Advisory Council for State-Funded Student Assistance; conforming provisions to changes made in the act; reenacting and amending s. 240.424, F.S.; revising

duties of the Department of Education to conform to changes made in the act; reenacting ss. 240.429, 240.431, F.S., relating to certain activities of the department and funding; reenacting and amending s. 240.437, F.S.; providing for developing and administering state-funded student assistance; reenacting ss. 240.439, 240.441, 240.447, 240.449, 240.451, 240.453, 240.457, 240.459, 240.4595, 240.461, 240.463, F.S., relating to the Student Loan Program; reenacting and amending s. 240.465, F.S., relating to the handling of delinquent accounts by the Department of Education; reenacting ss. 240.47, 240.471, 240.472, 240.473, 240.474, 240.475, 240.476, 240.477, 240.478, 240.479, 240.48, 240.481, 240.482, 240.483, 240.484, 240.485, 240.486, 240.487, 240.488, 240.489, 240.49, 240.491, 240.492, 240.493, 240.494, 240.495, 240.496, 240.497, F.S., relating to the Florida Higher Education Loan Act; reenacting s. 240.4975, F.S., relating to the authority of the State Board of Administration to borrow and lend funds to finance student loans; reenacting and amending s. 240.498, F.S.; revising requirements for appointing members to the board of the Florida Education Fund; repealing s. 240.4986, F.S., relating to the Health Care Education Quality Enhancement Challenge Grant Program for Community Colleges; reenacting and amending s. 240.4987, F.S.; expanding the institutions participating in the Florida Minority Medical Education Program; reenacting ss. 240.4988, 240.4989, F.S., relating to the Theodore R. and Vivian M. Johnson Scholarship Program and educational leadership enhancement grants; creating s. 240.499, F.S.; providing for the William L. Boyd, IV, Florida resident access grants; providing requirements for eligibility; providing a funding formula; creating s. 240.4991, F.S.; providing for an Ethics in Business Scholarship Program; creating s. 240.4992, F.S.; providing for ethics in business scholarships; authorizing the State Board of Education to adopt rules; creating s. 240.4993, F.S.; providing for a Florida Work Experience Program; providing for eligibility; requiring the department to adopt rules; reenacting and amending s. 240.501, F.S.; revising provisions authorizing the Board of Trustees of the University of Florida to receive grants of money appropriated under a specified Act of Congress; requiring that agricultural and home economics extension work be carried on in connection with the Institute of Food and Agricultural Sciences; repealing s. 240.503, F.S., relating to assent by the Legislature to receive certain grants; creating s. 240.504, F.S.; providing the assent of the Legislature to provisions of a specified Act of Congress; authorizing the Board of Trustees of Florida Agricultural and Mechanical University to receive certain grants; reenacting and amending s. 240.505, F.S.; providing for the administration of and program support for the Florida Cooperative Extension Service; providing for extension agents to be appointed as faculty members; providing for joint employment and personnel policies; requiring availability of certain program materials; reenacting and amending s. 240.507, F.S.; authorizing the Institute of Food and Agricultural Sciences to pay the employer's share of certain required premiums; reenacting s. 240.5095, F.S., relating to research and development programs funded by pari-mutual wagering revenues; reenacting and amending s. 240.511, F.S.; authorizing acceptance of certain federal appropriations for the Institute of Food and Agricultural Sciences; reenacting and amending s. 240.5111, F.S., relating to the Multidisciplinary Center for Affordable Housing; conforming provisions to changes made by the act; reenacting and amending ss. 240.512, 240.5121, F.S.; revising certain provisions for use of lands and facilities on the campus of the University of South Florida; revising requirements for the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute; establishing an approval process for not-for-profit corporate subsidiaries; providing conditions for sovereign immunity for the not-for-profit corporation and its subsidiaries; providing duties of a chief executive officer; providing duties of the State Board of Education; conforming provisions to changes made by the act; authorizing the State Board of Education to adopt rules; reenacting and amending s. 240.513, F.S., relating to the J. Hillis Miller Health Center at the University of Florida; including additional teaching hospitals as part of the center; providing duties of the university board of trustees; conforming provisions to changes made by the act; reenacting and amending s. 240.5135, F.S., relating to Shands Jacksonville Healthcare, Inc.; authorizing the Board of Trustees of the University of Florida to secure liability coverage; eliminating references to the Board of Regents; reenacting and amending s. 240.514, F.S.; eliminating authorization of the Louis De La Parte Florida Mental Health Institute to use the pay plan of the State University System; reenacting s. 240.515, F.S., relating to the Florida Museum of Natural History; reenacting s. 240.516, F.S., relating to vertebrate paleontological sites and remains; reenacting s. 240.5161, F.S., relating to the program of vertebrate paleontology within the Florida Museum of Natural History; reenacting and amending s. 240.5162, F.S., relating to field investigation permits; conforming a cross-reference; reenacting s. 240.5163, F.S., relating to the

preservation of certain rights of mine or quarry operators and dragline or heavy equipment operations; reenacting and amending s. 240.517, F.S., relating to the furnishing of books by the Clerk of the Supreme Court; eliminating references to the Board of Regents; reenacting s. 240.518, F.S., relating to the Historically Black College and University Library Improvement Program; amending s. 240.5185, F.S.; providing for small grants to faith-based organizations for partnerships with universities and colleges; eliminating obsolete reporting requirements; repealing s. 240.5186(10), F.S., relating to the community computer access grant program; eliminating obsolete reporting requirements; repealing ss. 240.519, 240.52, F.S., relating to a school of optometry and collections management for museums and galleries of the State University System; reenacting and amending s. 240.527, F.S., relating to the University of South Florida at St. Petersburg; providing duties of the State Board of Education; eliminating obsolete funding requirements; providing rule-making authority; amending s. 240.5275, F.S., relating to the University of South Florida Sarasota/Manatee; conforming provisions to changes made by the act; providing rulemaking authority; amending s. 240.5277, F.S., relating to New College of Florida; conforming provisions; providing that the student body president is an ex officio, voting member of the board of trustees; amending s. 240.5278, F.S.; revising requirements for certain policies of St. Petersburg College; providing duties of the State Board of Education; requiring that the Commissioner of Education resolve issues involving upper-division students; eliminating obsolete provisions; repealing ss. 240.528, 240.5285, F.S., relating to the Broward County campuses of Florida Atlantic University and the Florida Atlantic University campuses; reenacting and amending s. 240.529, F.S., relating to public accountability and state approval for teacher preparation programs; eliminating obsolete provisions; authorizing colleges to establish preteacher and teacher education pilot programs; repealing ss. 240.52901, 240.5291, 240.53, F.S., relating to rules for teaching students with limited English proficiency, teaching profession enhancement grants, and postdoctoral programs to train faculty to provide middle childhood education training and technical assistance; reenacting and amending s. 240.531, F.S.; providing for governance of educational research centers by the university board of trustees rather than the Board of Regents; authorizing boards of trustees to adopt rules; authorizing funding using a portion of the Capital Improvement Trust Fund; reenacting and amending s. 240.5321, F.S.; requiring the State Board of Education rather than the Board of Regents to establish a Center for Brownfield Rehabilitation Assistance; reenacting and amending s. 240.5325, F.S.; providing duties of the State Board of Education and the Commissioner of Education with respect to research activities relating to solid and hazardous waste management; eliminating obsolete provisions; repealing s. 240.5326, F.S., relating to research protocols to determine the most appropriate pollutant dispersal agents; reenacting s. 240.5329, F.S., relating to the Florida LAKEWATCH Program; reenacting and amending s. 240.533, F.S.; creating the Council on Equity in Athletics from among the state universities and colleges; requiring the Commissioner of Education to serve as chair of the council; providing for membership on the council; requiring the State Board of Education to determine the level of funding and support for women's intercollegiate athletics; requiring gender equity plans; eliminating obsolete provisions; repealing ss. 240.5339, 240.5340, 240.5341, 240.5342, 240.5343, 240.5344, 240.5345, 240.5346, 240.5347, 240.5348, 240.5349, F.S., relating to the Collegiate Athletic Association Compliance Enforcement Procedures Act; reenacting and amending s. 240.535, F.S.; assigning the New World School of the Arts to the State Board of Education and other entities; conforming provisions to changes made by the act; repealing ss. 240.539, 240.540, 240.541, F.S., relating to advanced technology research, the incubator facilities program, and postsecondary education programs of excellence; amending s. 240.551, F.S., relating to the Florida Prepaid College Program; conforming provisions to changes made by the act; including certain colleges within state postsecondary institutions; providing for the Attorney General, the Chief Financial Officer, the Director of the Division of Colleges and Universities, and the Director of the Division of Community Colleges to be members of the Florida Prepaid College Board; requiring the Chief Financial Officer to approve qualified public depositories; providing for strategic alliances with certain entities; reenacting s. 240.552, F.S., relating to the Florida Prepaid Tuition Scholarship Program; reenacting and amending s. 240.553, F.S.; authorizing the Florida College Savings Program Board to establish agreements with colleges; authorizing alliances with certain entities; repealing ss. 240.6045, 240.605, 240.6054, 240.606, F.S., relating to the limited-access competitive grant program, William L. Boyd, IV, Florida resident access grants, ethics in business scholarships, and the Florida Work Experience Program; reenacting and amending s. 240.607, F.S.; authorizing community college boards of trustees to develop and sign

articulation agreements; eliminating obsolete provisions; repealing ss. 240.6071, 240.6072, 240.6073, 240.6074, 240.6075, 240.609, F.S., relating to the occupational therapist or physical therapist critical shortage program, a student loan forgiveness program, a scholarship loan program, a tuition reimbursement program, and postsecondary endowment grants; reenacting and amending s. 240.61, F.S., relating to the college reach-out program; conforming provisions to changes made by the act; eliminating a requirement that the State Board of Education give preference to a program that identifies participants from among students who are not already enrolled in similar programs; eliminating a requirement that certain appropriations be for initiatives and performances; revising the membership of the advisory council; requiring that the Commissioner of Education appoint members to the advisory council unless otherwise provided; authorizing representation from the Council for Education Policy Research and Improvement, state colleges, universities, community colleges, and equal opportunity coordinators; revising reporting requirements; eliminating funding requirements; reenacting s. 240.631, F.S., relating to the Institute for Nonviolence; reenacting and amending s. 240.632, F.S.; requiring the State Board of Education to establish the Institute for Nonviolence; revising membership of the advisory board; reenacting ss. 240.633, 240.634, F.S., relating to the powers and duties of the Institute for Nonviolence and institute fellowships; reenacting and amending s. 240.636, F.S., relating to research of the Rosewood incident; eliminating obsolete provisions; reenacting and amending s. 240.70, F.S.; including state colleges in provisions for courses to assist substance-abuse recognition and referral; reenacting and amending s. 240.701, F.S.; including state colleges in provisions establishing incentives for internships for disadvantaged areas; reenacting and amending s. 240.702, F.S.; authorizing the Commissioner of Education to designate a conflict resolution consortium center; eliminating obsolete provisions; reenacting and amending s. 240.705, F.S.; authorizing colleges to participate in partnerships to develop child protection workers; reenacting and amending s. 240.706, F.S., relating to the Leadership Board for Applied Public Services; conforming provisions to changes made by the act; reenacting and amending s. 240.709, F.S.; including state colleges in provisions creating the Institute on Urban Policy and Commerce; amending s. 240.710, F.S.; authorizing the State Board of Education to create the Digital Media Education Coordination Group; eliminating obsolete provisions; amending ss. 240.7101, 240.7105, F.S., relating to the colleges of law at Florida International University and Florida Agricultural and Mechanical University; conforming provisions to changes made by the act; amending s. 240.711, 242.3305, F.S., relating to the Ringling Center for Cultural Arts and the School for the Deaf and the Blind; conforming cross-references; amending ss. 243.01, 243.105, 243.141, 243.151, F.S., relating to the educational institutions law; providing for the State Board of Education to assume the duties of the former Board of Regents; eliminating obsolete references; authorizing university and college boards of trustees to enter into certain agreements to lease land, purchase, or lease-purchase certain lands, facilities, and related improvements; providing that all agreements executed by the former Board of Regents for certain purposes are validated, ratified, and confirmed; amending s. 243.52, F.S.; revising definitions governing the funding of educational facilities to conform to changes made by the act; amending s. 282.005, F.S., relating to information resources management; assigning certain functions to the boards of trustees of universities, colleges, and community colleges; amending ss. 282.103, 282.105, F.S.; requiring state universities, colleges, and other entities to use SUNCOM; amending s. 282.106, F.S.; providing for SUNCOM service to the libraries of state colleges and universities; amending s. 282.3031, F.S.; assigning functions of information resources management to boards of trustees of universities, colleges, and community colleges; amending ss. 282.3063, 282.310, F.S.; eliminating a requirement that the State University System submit a specified planning and management report to the State Technology Office; requiring that an annual report include such planning and management information from annual reports prepared by the university and college boards of trustees and the community college district boards of trustees; eliminating obsolete provisions; amending s. 284.34, F.S.; excluding professional medical liability and nuclear energy liability of the university boards of trustees from the State Risk Management Trust Fund; eliminating obsolete provisions; amending s. 287.042, F.S., relating to state purchasing; conforming a cross-reference to changes made by the act; amending s. 447.203, F.S.; establishing the university and college boards of trustees as a public employer rather than the former Board of Regents; eliminating provisions authorizing graduate assistants as nonpublic employees; providing that the university or college board of trustees is the legislative body for purposes of collective bargaining; providing requirements for selecting a student representative

for collective bargaining purposes; amending s. 447.301, F.S.; eliminating provisions authorizing reimbursement for university representatives for travel and per diem expenses from student activity fees; amending s. 447.403, F.S.; revising provisions for resolving disputes involving a collective bargaining agreement; eliminating obsolete provisions; providing effective dates.

By the Committees on Finance and Taxation; Regulated Industries; and Senator Pruitt—

CS for CS for SB 1610—A bill to be entitled An act relating to the communications services tax; amending s. 202.125, F.S., relating to the tax exemption on the sale of communications services to religious or educational institutions; providing definitions to conform such exemption to the sales tax exemption provided for these institutions; creating s. 202.151, F.S.; clarifying the imposition of a use tax on certain purchases of communications services; amending s. 202.16, F.S.; providing an exception to the requirement that dealers separately state the communications services tax on bills and invoices; creating s. 202.205, F.S.; providing a transition rule for counties and municipalities that reduced the local communications services tax on a specified date; amending s. 202.22, F.S.; clarifying provisions governing the electronic databases used to determine local tax situs for the communications services tax; repealing s. 212.05(1)(g), F.S., relating to a sales tax on certain substitute telecommunications equipment; amending s. 337.401, F.S.; changing the date on which local governments must notify dealers that provide communications services of changes in permit fees; revising provisions relating to charges for the use of rights-of-way; amending s. 365.172, F.S.; clarifying that the E911 fee applies to certain customers whose place of primary use is within the state; specifying that certain definitions applicable to the Communications Services Tax Simplification Law apply to the E911 fee; amending ss. 212.0501, 212.08, 212.20, 509.032, 561.1105, F.S., relating to the tax on diesel fuel, a tax exemption for professional services, distribution of taxes, and tax certificates; conforming cross-references to changes made by the act; specifying that certain provisions of the act are remedial in nature and intended to clarify the law in effect on the effective date of the act; providing effective dates.

By the Committee on Banking and Insurance; and Senator Posey—

CS for SB 1612—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; redefining the terms "employee" and "independent contractor"; prohibiting exemptions from coverage for commercial construction job sites; defining the terms "commercial building" and "residential building"; amending s. 440.05, F.S.; requiring employers to maintain business records specified by rules of the Division of Workers' Compensation, relative to exemptions from coverage; revising requirements for election of exemptions for coverage; amending s. 440.10, F.S.; providing penalties for employers who fail to secure compensation; amending s. 440.103, F.S.; specifying requirements for certificates of insurance that must be shown to receive a building permit; amending s. 440.107, F.S.; requiring and authorizing the division to issue stop-work orders and to impose certain penalties against employers who fail to secure compensation; requiring the division to notify the Department of Business and Professional Regulation; amending s. 440.381, F.S.; requiring that the application for workers' compensation coverage contain a sworn statement by the agent; providing a penalty for carriers that fail to comply with audit requirements; revising requirements for audits; amending s. 440.40, F.S.; requiring employers to post a notice related to the anti-fraud reward program; amending ss. 489.114 and 489.510, F.S.; revising provisions governing the verification by the division of coverage of persons engaged in the business of contracting; specifying an administrative fine for contractors who are in noncompliance with chapter 440, F.S., to be paid to the Department of Business and Professional Regulation; amending s. 626.9892, F.S.; revising the criteria for the anti-fraud program; requiring the Department of Insurance to conduct a study related to workers' compensation for persons engaged in the construction industry; providing an effective date.

By the Committees on Education; Health, Aging and Long-Term Care; and Senator Pruitt—

CS for CS for SB 1628—A bill to be entitled An act relating to immunizations; creating s. 381.0421, F.S.; requiring that individuals enrolled in a postsecondary educational institution be provided information regarding meningococcal meningitis and hepatitis B vaccines and, if residing in on-campus housing, provide documentation of vaccination against meningococcal meningitis and hepatitis B, or a statement declining such vaccination; providing an effective date.

By the Committee on Judiciary; and Senator Burt—

CS for SB 1654—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an effective date.

By the Committees on Appropriations; Judiciary; and Senator Burt—

CS for CS for SB 1654—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an effective date.

By the Committee on Criminal Justice; and Senator Smith—

CS for SB 1718—A bill to be entitled An act relating to juvenile justice; amending s. 984.03, F.S.; revising definitions; repealing s. 984.03(3), (11), (16), (21), (38), (48), and (51), F.S., relating to definitions of the terms "addictions receiving facility," "child who has been found to have committed a delinquent act," "delinquency program," "diligent efforts of social service agency," "next of kin," "serious or habitual juvenile offender program," and "staff-secure shelter"; amending s. 984.09, F.S.; allowing for shelter stay for contempt of court by children in need of services; authorizing referral to the Department of Children and Family Services under certain circumstances; providing for assessment of a child for placement in specified programs or facilities; amending ss. 984.05, 984.10, F.S.; conforming cross-references; amending s. 984.12, F.S.; revising provisions relating to case staffings and case plans; repealing s. 984.14(8), F.S., relating to time limitation on placement in a staff-secure facility; amending s. 984.15, F.S.; adding the contracted provider of services to those who may request the Department of Juvenile Justice to file a petition for a child in need of services; correcting a cross reference; amending s. 984.225, F.S.; providing for extended shelter placement and removing reference to staff-secure shelters; amending s. 984.226, F.S.; removing reference to staff-secure shelters; amending s. 985.03, F.S.; revising definitions; repealing s. 985.03(34), (51), and (52), F.S., relating to definitions of "licensed health care professional," "shelter hearing," and "staff-secure shelter"; amending s. 985.201, F.S.; revising provisions relating to the period of jurisdiction in juvenile cases; clarifying circumstances under which jurisdiction may be retained; amending s. 985.207, F.S.; revising circumstances under which a child may be taken into custody; revising provisions relating to detention, to conform; amending s. 985.2075, F.S.; conforming a reference; amending s. 985.213, F.S.; adding an act of terrorism to the list of considerations relating to the use of detention; providing exceptions relating to the use of detention; revising provisions relating to detention, to conform; amending s. 985.214, F.S., relating to prohibited uses of detention, to conform; amending s. 985.215, F.S.; allowing a child charged with an act of terrorism to be placed in secure detention; revising provisions relating to detention, to conform; clarifying circumstances under which a child may be placed in detention care; expanding the circumstances under which a child may continue to be held in detention; clarifying criteria relating to postcommitment detention; authorizing the court to continue to hold a juvenile in detention if the court finds that the juvenile is a clear and present danger to himself or herself or to the community; requiring that the court specify by written order the need for and the benefits derived from continued detention; providing for future repeal; requiring that the Juvenile Justice Estimating Conference submit a report to the Legislature concerning the effect of the act on the juvenile

justice system and on the number of juveniles held in detention; amending s. 985.216, F.S.; revising provisions relating to placement of a child in a secure facility; amending s. 985.229, F.S.; requiring the completion of a comprehensive evaluation within a time certain; requiring that the department report to the Legislature on the recommendations for services and the placement of children following such evaluation; amending s. 985.231, F.S.; clarifying the powers of the court relating to disposition in delinquency cases; creating s. 985.2311, F.S.; revising conditions of probation previously contained in ss. 985.228, 985.231, F.S., and providing additional conditions; revising circumstances under which a child may be taken into custody and detained in connection with a violation of probation; amending s. 985.228, F.S., to conform; creating s. 985.2312, F.S.; revising conditions of commitment previously contained in s. 985.231, F.S., and providing additional conditions; limiting the circumstances under which the court may commit certain juvenile offenders for residential placement; creating s. 985.24, F.S.; revising provisions relating to the recoupment of cost of care presently contained in ss. 985.215, 985.231, F.S.; amending s. 985.308, F.S.; adding provisions concerning juvenile sex offender programs presently contained in s. 985.231, F.S.; amending ss. 985.31, 985.313, 985.3141, 985.316, F.S., to conform references; amending s. 985.404, F.S., relating to detention and nonresidential commitment programs, to conform; amending s. 985.4045, F.S.; defining the term "juvenile offender"; amending s. 985.407, F.S.; requiring that the Department of Juvenile Justice adopt rules governing the development of policies for contracted services and programs; amending s. 316.635, F.S.; clarifying court jurisdiction to sanction minors for contempt of court for failure to appear; amending s. 318.143, F.S.; clarifying court jurisdiction to sanction minors for contempt of court for failure to comply with court-imposed sanctions; amending ss. 39.0015, 216.136, 419.001, 744.309, 784.075, 960.001, 985.21, 985.311, F.S.; conforming references; requiring the Department of Juvenile Justice to develop protocols for a comprehensive evaluation; amending s. 790.22, F.S.; eliminating a requirement that the Department of Juvenile Justice report on minors charged with an offense that involves the use or possession of a firearm; providing an effective date.

By the Committee on Education; and Senator Sullivan—

CS for SB 1720—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; limiting the number of purposes a charter school must accomplish; expanding the list of potential sponsors to include the State Board of Education, a Florida public university, or a Florida community college; designating decisions by the State Board of Education as final decisions that must be implemented by the district boards; delineating accountability standards for charter schools; extending a district school board's time for responding and filing an appeal from a sponsor's decision to terminate a charter; requiring that noncertified teachers or instructors who are teaching out of their respective fields be supervised by a certified teacher for a specified period of time; requiring district school boards to distribute funds to schools when available; requiring compliance with the Florida Building Code and the Florida Fire Prevention Code or with the applicable provisions thereof; exempting charter schools from impact and service availability fees; amending s. 228.0561, F.S., relating to charter school capital outlay funding; allowing the Commissioner of Education to identify an additional funding source that may be considered by the Legislature in allocating funding in a given year; providing an effective date.

By the Committee on Education; and Senator Clary—

CS for SB 1776—A bill to be entitled An act relating to recitation of the Declaration of Independence; creating s. 233.0659, F.S.; requiring Celebrate Freedom Week to be recognized in the public schools each September; requiring a portion of the Declaration of Independence to be recited daily by students during that week; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Sanderson—

CS for SB 1886—A bill to be entitled An act relating to public records; amending s. 121.4501, F.S.; creating a public-records exemption for personal identifying information regarding participants in the Public Employee Optional Retirement Program; providing an exception to the ex-

emption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Health, Aging and Long-Term Care; and Senators Wasserman Schultz and Saunders—

CS for CS for SB 2002—A bill to be entitled An act relating to newborn infant screening; creating within the Division of Children's Medical Services Prevention and Intervention of the Department of Health the Infant Screening Programs Task Force; providing purpose; providing membership; requiring recommendations and a plan for expanding newborn infant screening requirements; requiring a report to the Legislature; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Clary and Crist—

CS for SB 2042—A bill to be entitled An act relating to the Board of Architecture and Interior Design; amending s. 481.205, F.S.; delegating to the board the duties and authority of the Department of Business and Professional Regulation to investigate and prosecute the practice and unlicensed practice of architecture and interior design; requiring the board to contract with a corporation or other business entity to provide legal, investigative, prosecutorial, and other services; authorizing the board to use funds from the unlicensed activity account to perform certain duties; requiring that the board submit an annual budget to the Legislature; providing an effective date.

By the Committee on Criminal Justice; and Senator Smith—

CS for SB 2066—A bill to be entitled An act relating to the fair treatment of victims of crime; amending s. 960.001, F.S.; requiring the clerk of the court to provide information for victims on enforcing a civil lien or civil judgment against the defendant; requiring that the information be provided as written instructions and posted on an Internet website if available; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; and Senator Constantine—

CS for 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 "non-residential 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 exemptions 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 Committees on Finance and Taxation; Governmental Oversight and Productivity; Natural Resources; and Senators Sullivan, Smith, Jones and Latvala—

CS for CS for CS for SB 2120—A bill to be entitled An act relating to specialty license plates; amending s. 320.08058, F.S.; revising the date after which a newly created collegiate license plate is subject to the requirements of s. 320.08053, F.S.; providing for a portion of the annual use fees to be distributed to the Caribbean Conservation Corporation;

providing guidelines for the distribution of such funds by the corporation; prohibiting funds from being used for litigation; repealing s. 370.12(1)(h), F.S., which provides for the Fish and Wildlife Conservation Commission to provide grants relating to marine turtles; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Sanderson—

CS for SB 2134—A bill to be entitled An act relating to the Florida Retirement System; creating s. 121.4503, F.S.; creating the Public Employee Optional Retirement Program Clearing Trust Fund, to be administered by the Department of Management Services as a retirement clearing trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; providing an effective date.

By the Committee on Education; and Senator Brown-Waite—

CS for SB 2172—A bill to be entitled An act relating to school advisory councils; amending s. 229.58, F.S.; requiring school advisory councils to adopt bylaws; requiring that the bylaws include procedures for establishing a quorum, requiring notice of meetings, and replacing members; requiring the district school board to annually review and approve the proposed bylaws; providing an effective date.

By the Committee on Banking and Insurance; and Senator Sanderson—

CS for SB 2192—A bill to be entitled An act relating to solvency of insurers and health maintenance organizations; amending s. 624.404, F.S.; revising a definition; amending s. 624.80, F.S.; revising a definition; amending s. 624.81, F.S.; specifying authority of the Department of Insurance relating to certain notice requirements; authorizing the department to adopt certain rules; amending s. 624.84, F.S.; specifying that administrative review of certain orders does not operate as an automatic stay of such orders; amending s. 625.041, F.S.; revising the liabilities that a workers' compensation insurer must include on its financial statements; amending s. 627.481, F.S.; revising the requirements for minimum assets, reserves, and investments for entities authorized to enter into donor annuity agreements; amending s. 641.26, F.S.; revising certain annual report requirements; amending s. 641.35, F.S.; specifying inclusion of certain losses and claims under liabilities of a health maintenance organization under certain circumstances; providing an exception; providing for the investment of funds of a health maintenance organization in excess of certain reserves and surplus under certain circumstances; providing a limitation; amending s. 641.365, F.S.; revising limitations on certain dividend payments or distributions to stockholders by a health maintenance organization; specifying criteria for making payments, declaring dividends, or making distributions; specifying criteria for department approval of certain dividends or distributions; amending s. 641.19, F.S.; defining the term "health care risk contract"; providing an effective date.

By the Committee on Criminal Justice; and Senator Saunders—

CS for SB 2210—A bill to be entitled An act relating to guide dogs and service animals; providing a short title; prohibiting persons from interfering with, injuring, or killing guide dogs or service animals; providing penalties; defining the terms "guide dog" and "service animal" for purposes of the act; amending s. 413.08, F.S.; extending to people who have seizure disorders the right to be accompanied by a trained service dog in specified circumstances; providing penalties for violations of this section; conforming a provision relating to trainers of service dogs; providing an effective date.

By the Committee on Banking and Insurance; and Senator Peaden—

CS for SB 2232—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; providing that collateral protection insurance policies for personal residences are covered policies for purposes of the Florida Hurricane Catastrophe Fund; providing an effective date.

By the Committee on Criminal Justice; and Senator Garcia—

CS for SB 2248—A bill to be entitled An act relating to Indian reservations; amending s. 285.16, F.S.; providing for retrocession of jurisdiction; providing an exception for reservations of the Miccosukee Tribe of Indians of Florida with respect to the applicability of civil and criminal laws of the state to Indians within such reservations; providing an effective date.

By the Committee on Children and Families; and Senator Brown-Waite—

CS for SB 2254—A bill to be entitled An act relating to supportive housing; directing the Secretary of Children and Family Services to establish a workgroup to review issues associated with services and supports provided through state-funded supportive housing; providing for membership and staff of the workgroup; requiring the workgroup to prepare recommendations; requiring inclusion of recommendations in the state plan; providing an effective date.

By the Committee on Banking and Insurance; and Senator Meek—

CS for SB 2262—A bill to be entitled An act relating to the Florida Fair Lending Act; providing a short title; providing legislative findings; providing purposes; providing definitions; specifying certain prohibited acts and practices relating to creditors making home loans under certain circumstances; providing limitations and prohibiting certain activities or conditions relating to creditors making high-cost home loans; providing a right to reinstate a loan under certain circumstances; specifying grounds for reinstatement; proscribing certain fees, charges, or penalties under certain circumstances; prohibiting foreclosure proceedings under certain circumstances; providing for preservation and enforcement of certain claims and defenses by borrowers; providing for liability of assignees and other holders under certain circumstances; proscribing subterfuge; providing for civil and criminal enforcement; providing penalties; providing for damages, costs, and attorney's fees; specifying certain loan agreements as void and unenforceable under certain circumstances; protecting borrowers' remedies; providing exceptions for corrections and unintentional violations; providing criteria; specifying certain rights and remedies as cumulative; providing powers and duties of the Department of Banking and Finance; providing severability; providing an effective date.

By the Committee on Criminal Justice; and Senator Cowin—

CS for SB 2270—A bill to be entitled An act relating to parole violations; amending ss. 947.141, 947.22, F.S.; requiring a law enforcement officer to arrest an offender whom the officer has probable cause to believe has committed a felony while on release supervision or parole; providing that a warrant need not be issued in the case; providing an effective date.

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

CS for SB 2302—A bill to be entitled An act relating to tax administration; repealing s. 212.084(6), F.S.; eliminating provisions for temporary exemption certificates; repealing s. 212.08(7)(ccc), F.S.; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk-driving prevention, and juvenile-delinquency-prevention services; amending s. 212.08, F.S.; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating obsolete provisions; requiring a purchaser to file an

affidavit stating the exempt nature of a purchase with the selling vendor instead of the Department of Revenue; providing for retroactive application; replacing the definition of the term "section 38 property" with an express definition of the terms "industrial machinery and equipment" and "motion picture and video equipment"; providing intent and purpose; imposing certain requirements, for purposes of taxation, on the removal of a motor vehicle from this state; providing residency requirements of corporate officers, corporate stockholders, and partners in a partnership relating to the taxable status of sales of motor vehicles; amending s. 212.06, F.S.; clarifying the definition of the term "fixtures"; eliminating reference to the term "trade fixture"; amending s. 212.08, F.S.; replacing the Interstate Commerce Commission with the Surface Transportation Board as the entity that licenses certain railroads as common carriers; providing that, for a vessel, railroad, or motor carrier engaged in interstate or foreign commerce, sales tax applies to taxable purchases in this state and applies even if the vessel, railroad, or motor carrier has operated for less than a fiscal year; repealing s. 624.509(10), F.S., which provides for an exemption from the insurance premium tax for insurers who write monoline flood insurance policies; amending s. 213.285, F.S.; delaying the future repeal of the certified audit project; amending ss. 213.053, 213.21, F.S.; conforming repeal dates; amending s. 11, ch. 2000-165, Laws of Florida; clarifying which provisions of ch. 213, F.S., apply to the collection of unemployment contributions; amending s. 45.031, F.S.; requiring the clerk of court to give notice to the Department of Revenue if there is a surplus resulting from the foreclosure of an unemployment compensation tax lien; amending s. 69.041, F.S.; permitting the department to participate in the disbursement of unemployment compensation tax lien foreclosure funds; amending s. 213.053, F.S.; providing for confidentiality and information sharing; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; amending ss. 443.163, 213.755, F.S.; requiring certain employers to file unemployment compensation reports and taxes electronically; amending s. 213.21, F.S.; allowing for the de novo review by a court of penalty compromise determinations made by the Department of Revenue; providing for an automatic compromise of penalties under certain circumstances; providing an exception to confidentiality requirements; amending s. 212.07, F.S.; providing for a penalty structure that limits liability for inadvertent registration errors; encouraging voluntary self-disclosure; amending s. 213.24, F.S.; limiting the amount of automated refunds to the cost of processing the refund; amending s. 55.202, F.S.; enabling a designee of the Department of Revenue to enter lien information into the Secretary of State's database without incurring a fee; amending ss. 213.235, 220.807, F.S.; providing that the interest rate on tax deficiencies shall be an adjusted prime rate plus two percentage points; amending s. 213.255, F.S.; allowing interest to accrue on certain refund claims on August 1 of the year the tax was due; amending s. 681.117, F.S.; allowing motor vehicle dealers to remit the Lemon Law Fee for vehicles registered and titled outside of Florida directly to the Department of Revenue; amending s. 211.3103, F.S.; clarifying that the county distributions of the severance tax on phosphate rock are calculated annually based on the production information filed on the annual returns; amending ss. 336.021, 336.025, F.S.; allowing the imposition of local gas taxes to take effect on January 1 and to be repealed on December 31 of any year; amending s. 213.0535, F.S.; allowing certain counties participating in the RISE Program to share confidential taxpayer information with other participating counties; amending ss. 212.096, 212.098, 220.03, 220.181, 290.00677, F.S.; conforming cross-references; clarifying definitions; amending s. 212.031, F.S.; postponing the effective date of provisions relating to applicability of the tax on lease or rental of certain property to property in publicly owned facilities and used by concessionaires during events at those facilities; amending s. 212.04, F.S.; postponing the effective date of provisions relating to applicability of the tax on admissions to certain events sponsored by governmental entities, sports authorities, and sports commissions; amending s. 212.02, F.S., excluding from the definition of "lease," "let," "rental," or "license" certain payments made by a regional transmission organization to an electric utility; amending s. 212.12, F.S., providing for an exception from additional tax, interest, and penalties for dealers who erroneously collect and remit sales tax by rounding to the nearest whole cent; reenacting and amending s. 206.9825(1)(b),

F.S., authorizing the continuation of an aviation fuel tax credit for certain wholesalers or terminal suppliers; providing a revised calculation for revenue sharing distributions to municipalities; providing effective dates.

By the Committee on Governmental Oversight and Productivity; and Senator Villalobos—

CS for SB 2338—A bill to be entitled An act relating to the Florida Minority Business Loan Mobilization Program; creating s. 288.706, F.S.; providing legislative findings and intent; creating the Florida Minority Business Loan Mobilization Program for certain purposes; providing for program administration by the Department of Management Services; authorizing state agencies to disburse a specified amount of a contract award to assist certain minority business enterprise vendors in obtaining working capital financing; authorizing professional services vendors to apply for a specified percentage of a base contract amount; specifying procedures for the Florida Minority Business Loan Mobilization Program; providing for working capital agreements and lines of credit; providing requirements and limitations; providing requirements for prime contract vendors; providing requirements for subcontract vendors; providing contracting state agency requirements; authorizing the Department of Management Services to adopt rules; authorizing the Department of Management Services to maintain a listing of participating financial institutions; providing an effective date.

By the Committee on Banking and Insurance; and Senator Clary—

CS for SB 2340—A bill to be entitled An act relating to transferring and reassigning divisions, functions, and responsibilities of the Department of Labor and Employment Security; providing for a type two transfer of the Division of Workers' Compensation to the Department of Insurance; providing for a type two transfer of workers' compensation medical services to the Agency for Health Care Administration; providing for a type two transfer of workers' compensation rehabilitation and reemployment services to the Department of Education; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for comparable pay grades for the transferred positions; authorizing the Department of Insurance to reclassify and reorganize positions within the department and establish regional offices; authorizing the Department of Insurance to enter into contracts; providing for existing contracts to be subject to review and cancellation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing for the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation by a type two transfer; providing for the transfer of the Office of Information Systems to the State Technology Office by a type two transfer; requiring the State Technology Office and the Department of Insurance to determine whether it is feasible to transfer ownership of the Workers' Compensation Integrated System to the Department of Insurance; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of the act; amending s. 20.13, F.S.; establishing the Division of Workers' Compensation within the Department of Insurance; amending s. 20.50, F.S.; revising provisions relating to the Agency for Workforce Innovation to conform; revising responsibilities of certain offices within the agency; specifying that the Unemployment Appeals Commission is not subject to the agency; amending ss. 110.205, 112.19, 112.191, 121.125, 122.03, 238.06, 440.015, F.S., to conform; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation; amending ss. 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.104, 440.105, 440.106, 440.107, 440.108, 440.12, 440.125, F.S.; conforming

provisions to reflect the transfer of the Division of Workers' Compensation; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; conforming agency references to reflect the transfer of the Division of Workers' Compensation; amending ss. 440.134, 440.14, F.S.; conforming provisions to changes made by the act; amending s. 440.15, F.S.; providing for the agency to specify certain forms and procedures governing wage loss and impairment benefits; conforming a cross reference; amending ss. 440.185, 440.191, 440.192, 440.1925, F.S.; conforming provisions to changes made by the act; amending ss. 440.20, 440.207, 440.211, F.S., relating to payment of compensation; conforming provisions to changes made by the act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending ss. 440.25, 440.271, F.S., relating to mediation, hearings, and appeals; conforming provisions to changes made by the act; amending ss. 440.345, 440.35, F.S., relating to the reporting of attorney's fees and employer records of injury or death; conforming provisions to changes made by the act; amending ss. 440.38, 440.381, 440.385, F.S., relating to security for compensation by insurance carriers and self-insurers, audits of payroll and classifications, and the creation, board of directors, powers and duties, insolvency fund, and plan of operation for the Florida Self-Insurance Guaranty Association; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending ss. 440.40, 440.41, 440.42, F.S., relating to employers posting notice of compensation, substitution of carriers for employers with respect to notice and the effect of an order, and expiration of insurance policies, to conform; amending s. 440.44, F.S., relating to the administration of the Workers' Compensation Law; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending s. 440.45, F.S., relating to the Office of the Judges of Compensation Claims; clarifying the responsibilities of the director of the Division of Administrative Hearings as agency head of the Office of the Judges of Compensation Claims; amending s. 440.49, F.S., relating to the Special Disability Trust Fund; conforming provisions to reflect the transfer of the Division of Workers' Compensation; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending s. 440.491, F.S., relating to the reemployment of injured workers; conforming provisions to the transfer of rehabilitation and reemployment services to the Department of Education; amending ss. 440.50, 440.51, 440.52, F.S., relating to the Workers' Compensation Administration Trust Fund, expenses of administration, and certain responsibilities of insurance carriers; conforming references to reflect the transfer of the Division of Workers' Compensation; amending s. 440.525, F.S., relating to the examination of carriers; conforming agency references to the transfer of programs from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.572, F.S., to conform; amending s. 440.59, F.S., relating to division reporting requirements; eliminating unnecessary reporting requirements; amending ss. 440.591, 440.593, F.S., relating to authorization to self-insure, reporting requirements, and rulemaking authority; conforming provisions to changes made by the act; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Agency for Workforce Innovation rather than the Department of Labor and Employment Security; conforming provisions; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 447.305, F.S.; providing that notification of registrations and renewals of registration shall be furnished to the Department of Business and Professional Regulation, to conform; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; amending s. 624.3161, F.S., relating to insurance market conduct examinations; conforming provisions to changes made by the act; amending s. 626.88, F.S., relating to self-insurance definitions; conforming provisions to changes made by the act; amending s. 626.989, F.S., relating to Division of Insurance Fraud reporting requirements; conforming provisions to changes made by the act and establishing reporting deadlines; amending s. 627.0915, F.S.; conforming departmental references to changes made by the act; amending s. 627.914, F.S., relating to reporting requirements by

self-insurers; conforming provisions to changes made by the act; repealing s. 20.171, F.S., relating to the establishment and the authority and organizational structure of the Department of Labor and Employment Security; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; providing for severability; providing effective dates.

By the Committee on Natural Resources; and Senator Silver—

CS for SB 2352—A bill to be entitled An act relating to brownfield site remediation; amending s. 376.80, F.S.; providing for the use of certain unencumbered, undisbursed funds from the Quick-Response Training Program and brownfield redevelopment bonus refunds; providing for grants to designated areas; providing an effective date.

By the Committee on Banking and Insurance; and Senator Clary—

CS for SB 2380—A bill to be entitled An act relating to consumer protection; creating the "Florida Fair Lending Act"; defining terms; prohibiting specified acts by lenders with respect to high-cost home loans; requiring notice and disclosures to borrowers; preempting regulation of high-cost home loans to the state; prescribing duties of the Department of Banking and Finance with respect to enforcement of the act; providing severability; 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 215, CS for CS for HB 313; has passed as amended HB 145, CS for CS for HB 457, CS for HB 489, CS for HB 1069 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Smarter Government; and Representative Fasano and others—

CS for HB 215—A bill to be entitled An act relating to the Deferred Retirement Option Program of the Florida Retirement System; amending s. 121.053, F.S., relating to termination requirements and benefits of elected officers participating in the Deferred Retirement Option Program; amending s. 121.091, F.S., regarding Deferred Retirement Option Program termination requirements for elected officers; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Smarter Government; the Committee on Local Government and Veterans Affairs; and Representative Gibson and others—

CS for CS for HB 313—A bill to be entitled An act relating to ad valorem taxation; creating s. 193.703, F.S.; providing for a reduction in assessment for constructed or reconstructed living quarters for parents or grandparents of homestead property owners or of their spouses; providing limitations; providing application procedures; providing penalties for making a willfully false statement in the application; providing for adjustment of the assessed value of property when the property owner is no longer eligible for the reduction in assessment; providing a contingent effective date.

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

By Representative Wishner and others—

HB 145—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; providing for a Florida Golf license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate; providing for the distribution and use of fees; authorizing the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Ready Infrastructure; the Committee on Transportation; and Representative Spratt and others—

CS for CS for HB 457—A bill to be entitled An act relating to road and bridge designations; designating the new U.S. Highway 27 bridge in the City of Moore Haven as the “Mamie Langdale Memorial Bridge”; designating the old Nassau Sound Bridge in Nassau and Duval Counties as the “George Crady Bridge”; designating bridge number 550122 in Tallahassee as the “Veterans Memorial Bridge”; designating a portion of U.S. Highway 17 as the “Doyle Parker Memorial Highway”; designating a portion of State Road 77 as the “Lynn Haven Parkway”; designating the New River Bridge in Bradford and Union Counties as the “John S. ‘Steve’ Dennard Bridge”; designating a portion of State Road 121 as the “Ed Fraser Memorial Highway”; designating a portion of State Road 16 as the “Correctional Officers Memorial Highway”; designating a portion of U.S. Highway 41 in White Springs as the “Martin Luther King, Jr., Memorial Highway”; designating a portion of Interstate 75 as the “Purple Heart Memorial Highway”; dedicating the new Rose Bay bridges between the Cities of New Smyrna Beach and Port Orange to honor U.S. military POW’s and MIA’s; designating a portion of State Road 100 in Flagler County as “Veterans Memorial Highway”; designating a portion of U.S. Highway 17 as the “Jerome A. Williams Memorial Highway”; designating the “Korean War Veterans Memorial Highway” in Seminole County; designating a portion of Semoran Boulevard in the City of Orlando, Orange County, as “Toni Jennings Boulevard”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By the Council for Smarter Government; and Representative Henriquez and others—

CS for HB 489—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.003, F.S.; exempting certain subordinate employees from provisions relating to regulation of land surveying and mapping; amending s. 472.005, F.S.; providing definitions; amending s. 472.008, F.S.; providing rulemaking authority to the Board of Professional Surveyors and Mappers relating to the use of professional titles by retirees; amending s. 472.013, F.S.; deleting an obsolete prerequisite to take the licensure examination to practice as a surveyor and mapper; deleting rulemaking authority for the review and approval of military schools and federal training and apprenticeship programs; amending s. 472.015, F.S.; revising requirements for licensure by endorsement; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; providing for liability and duty of care on agricultural land; amending s. 472.031, F.S.; prohibiting persons who are not registered to practice surveying and mapping from offering to practice such profession or from using certain related professional titles; providing penalties; amending s. 472.033, F.S.; providing grounds for disciplinary action; providing an effective date.

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

By the Council for Smarter Government; and Representative Lacasa and others—

CS for HB 1069—A bill to be entitled An act relating to the Miami-Dade County Home Rule Charter; amending the Miami-Dade County Home Rule Charter; providing additional powers of the Board of County Commissioners; specifying thirteen County Commission districts; requiring the Board to adopt certain reapportionment plan development procedures; providing for salaries of County Commissioners; providing for an acting County Mayor under certain circumstances; providing requirements; specifying powers and duties of the County Commission; creating the office of County Mayor; providing for election of the County Mayor; specifying powers and responsibilities of the County Mayor; limiting eligibility of the County Mayor under certain circumstances; providing for Deputy County Mayors; requiring the County Commission to annually appropriate funds to the Executive Office of the County Mayor for certain purposes; revising provisions for election and terms of County Commissioners; providing for nonpartisan election of a County Supervisor of Elections; providing for powers and duties of the County Supervisor of Elections; providing for disqualification of certain persons to vote or hold office; specifying term limits for County Mayor and County Commissioners; providing for a County Comptroller; providing for functions, qualifications, powers, and duties of the County Comptroller; specifying a term of office of the County Comptroller; specifying restrictions relating to the Office of the County Comptroller; providing for removal of the County Comptroller; revising the administrative organization and procedures of the county; specifying service offices associated with Deputy County Mayors; specifying departments within such service offices; providing for financial planning by the Executive Office of the County Mayor; providing requirements; providing for county civil service; providing for the Office of County Attorney; providing for demographic, policy, and planning functions; abolishing the office of County Manager and transferring to the County Mayor the powers, duties, functions, and responsibilities of the County Manager; revising certain other provisions to conform; providing severability for charter provisions; providing severability; providing for a referendum to be called by the Board of County Commissioners of Miami-Dade County; specifying the form of the ballot question on the referendum; providing for effect upon referendum approval; providing an effective date.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed SB 292 and SB 1090.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

SB 1336, SB 1338, SB 1340 and SB 1342 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 5, 2002.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 28 was corrected and approved.

CO-SPONSORS

Senators Brown-Waite—SB 1258; Crist—CS for SB 1392; Garcia—CS for CS for SB 512; Meek—SB 1020, CS for SB 1500; Mitchell—SB 2594; Peaden—CS for SB 1496; Posey—CS for SB 1002, SB 2584

RECESS

On motion by Senator Lee, the Senate recessed at 4:50 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, March 7.

SENATE PAGES

March 4-8, 2002

Marissa Barber, Port Saint Lucie; Stefanie Bartlett, Lynn Haven; Katherine "Kate" Bauder, Longwood; Heather Brown, Stuart; Kelly Corbett, Tyndall AFB; Brittani Faulkenberry, Cocoa; James "Noland"

Greene, Madison; Corlene "Cory" Hickman, N. Lauderdale; Tanya Jedierowski, Spring Hill; Lucy Jennings, Tallahassee; Laura Beth Johnson, Cape Coral; Rachel Keller, Sunrise; Carolyn Martin, Bradenton; Jillian "Jill" Pritchard, Holmes Beach; Blake Riber, Jacksonville; Paige Ryland, Orlando; LaShanda Washington, Tallahassee; Perry West, Tallahassee; Amy Williams, Orlando; Ryan Willis, Miami