



Journal of the Senate

Number 17—Regular Session

Wednesday, March 13, 2002

CONTENTS

Bills on Third Reading	485, 490
Call to Order	485, 507
Co-Sponsors	524
Committee Substitutes, First Reading	513
Executive Business, Appointment Reports	512
House Messages, Final Action	524
House Messages, First Reading	522
Introduction and Reference of Bills	512
Messages From the Governor	522
Motions	509
Motions Relating to Committee Reference	507, 509
Reports of Committees	509
Resolutions	485
Senate Pages	525
Special Order Calendar	488, 492, 507
Votes Recorded	525

CALL TO ORDER

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

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

Excused: Senator Dawson

PRAYER

The following prayer was offered by Reverend Dr. Ian Lamont, First Presbyterian Church of Ft. Myers:

Gracious Father, we give you thanks for this day. Father, I do not know these men and these women. I do not know their concerns. I do not know their burdens. I do not know their situations at home or here, but Father, I do know that it is the cry of every heart here that you would answer their prayers; that you would give them leadership and guidance; that you would show them the way they should go; and then, give them the courage to follow it.

Father, I ask today that you add to their prayers, for we ask it in your name. Amen.

PLEDGE

Senate Pages Blake Harris of Jacksonville, Deidra Davis of Apopka and Andrew "Drew" Holt of Shalimar, 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. Ricardo Requena of Clearwater, sponsored by Senator Villalobos, as doctor of the day. Dr. Requena specializes in Otolaryngology.

ADOPTION OF RESOLUTIONS

On motion by Senator Garcia—

By Senator Garcia—

SR 2678—A resolution in memory of Mayra Capote, victim of a tragic automobile accident.

WHEREAS, a grieving mother and sister mourn the loss of a beautiful, vibrant life that was snuffed out on September 8, 1999, when 14-year-old Mayra Capote, along with two other students from Hialeah-Miami Lakes Senior High School, was killed in a tragic automobile accident as the three friends hurried back to school following an off-campus lunch break, and

WHEREAS, born October 4, 1984, Mayra Capote was the light of her mother's eyes and the adored friend, caregiver, and protector of her older sister, Elizabeth, who has been disabled since birth and who keenly misses the companionship and affection of her sister, and

WHEREAS, Mayra Capote will forever be remembered by her mother, sister, and friends as a friendly, outgoing, happy child, loving and caring, with a special heart for those less fortunate than she, and

WHEREAS, the Florida Department of Highway Safety and Motor Vehicles reports that in traffic accidents in this state during 1998, 1999, and 2000 which involved young people age 15 through 18, a total of 22 young people died and 4,496 young people were injured between the hours of 11:00 a.m. and 1:00 p.m., and

WHEREAS, in response to this statewide tragedy and the tragedy involving Mayra Capote, the Miami-Dade County school board approved a plan of action to close all senior high school campuses during the lunch period by the opening of the 2004-2005 school year, NOW, THEREFORE,

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

That the Florida Senate expresses its heartfelt condolences to the mother, sister, and friends of Mayra Capote and expresses its support for the Miami-Dade County school board as the board takes action to safeguard the lives of students.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mayra and Elizabeth Capote, mother and sister, respectively, of the late young Mayra Capote, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Garcia, **SR 2678** was read the second time in full and adopted.

BILLS ON THIRD READING

On motion by Senator Sullivan, by two-thirds vote **CS for HB 353** was withdrawn from the Committees on Education; and Governmental Oversight and Productivity.

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

CS for HB 353—A bill to be entitled An act relating to postsecondary education; amending ss. 229.003 and 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.

—a companion measure, was substituted for **SB 2070** and by two-thirds vote read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for HB 353** 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
Burt	King	Sanderson
Campbell	Klein	Saunders
Carlton	Latvala	Sebesta
Constantine	Laurent	Silver
Cowin	Lawson	Smith
Crist	Lee	Sullivan
Diaz de la Portilla	Meek	Villalobos
Dyer	Miller	Wasserman Schultz
Futch	Mitchell	Wise
Garcia	Peaden	
Geller	Posey	

Nays—None

Vote after roll call:

Yea—Clary, Webster

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

—as amended March 6 was read the third time by title.

On motions by Senator Klein, **SB 1914** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Clary, Constantine

On motion by Senator Mitchell, by two-thirds vote **HB 1283** was withdrawn from the Committees on Children and Families; and Governmental Oversight and Productivity.

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

HB 1283—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.

—a companion measure, was substituted for **CS for SB 1500** and by two-thirds vote read the second time by title. On motion by Senator Mitchell, by two-thirds vote **HB 1283** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Clary

SENATOR CONSTANTINE PRESIDING

CS for CS for SB’s 662 and 232—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the divisions of the department; specifying division directors who shall act as agency head for purposes of ch. 120, F.S.; establishing the manner of their appointment and confirmation; transferring the Deferred Compensation Program from the Department of Insurance to the Department of Management Services; transferring the Division of Workers’ Compensation from the Department of Labor and Employment Security to the Department of Financial Services; providing that this act shall not affect the validity of certain judicial and administrative actions; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; providing that existing agency contracts continue to be binding with the successor department or agency; repealing s. 20.13, F.S.; abolishing the Department of Insurance; redesignating the Insurance Commissioner’s Regulatory Trust Fund the Insurance Regulatory Trust Fund; redesignating the Department of Banking and Finance Regulatory Trust Fund the Banking and Finance Regulatory Trust Fund; repealing s. 20.171(5)(b), F.S., relating to the Division of Workers’ Compensation in the Department of Labor and Employment Security; amending and transferring ss. 18.01, 18.02, 18.021, 18.05, 18.06, 18.08, 18.10, 18.101, 18.103, 18.104, 18.125, 18.15, 18.17, 18.20, 18.23, 18.24, F.S., and amending ss. 11.12, 11.13, 11.147, 11.151, 11.40, 11.42, 13.05, 14.055, 14.057, 14.058, 14.202, 14.203, 14.24, 15.09, 16.10, 17.011, 17.02, 17.03, 17.031, 17.04, 17.0401, 17.041, 17.0415, 17.05, 17.06, 17.075, 17.076, 17.08, 17.09, 17.10, 17.11, 17.12, 17.13, 17.14, 17.16, 17.17, 17.20, 17.21, 17.22, 17.25, 17.26, 17.27, 17.28, 17.29, 17.30, 17.32, 17.325, 17.41, 17.43, 20.04, 20.055, 20.195, 20.425, 20.435, 24.105, 24.111, 24.112, 24.120, 25.241, 26.39, 27.08, 27.10, 27.11, 27.12, 27.13, 27.34, 27.3455, 27.703, 27.710, 27.711, 28.235, 28.24, 30.52, 40.30, 40.31, 40.33, 40.34, 40.35, 43.16, 43.19, 48.151, 55.03, 57.091, 68.083, 68.084, 68.087, 68.092, 77.0305, 92.39, 99.097, 101.151, 103.091, 107.11, 110.1127, 110.113, 110.114, 110.116, 110.1227, 110.1228, 110.123, 110.125, 110.181, 110.2037, 110.205, 112.061, 112.08, 112.191, 112.215, 112.3144, 112.3145, 112.3189, 112.31895, 112.3215, 112.63,

114.03, 116.03, 116.04, 116.05, 116.06, 116.14, 120.52, 120.80, 121.0312, 121.055, 121.061, 121.133, 121.4501, 125.0104, 129.201, 131.05, 137.09, 145.141, 154.02, 154.03, 154.05, 154.06, 154.209, 154.314, 163.01, 163.05, 163.055, 163.3167, 175.101, 175.121, 175.151, 185.08, 185.10, 185.13, 189.4035, 189.412, 189.427, 190.007, 191.006, 192.091, 192.102, 193.092, 195.101, 198.29, 199.232, 203.01, 206.46, 210.16, 210.20, 210.50, 211.06, 211.32, 212.08, 212.12, 212.20, 213.053, 213.054, 213.255, 213.67, 213.75, 215.02, 215.03, 215.04, 215.05, 215.11, 215.20, 215.22, 215.23, 215.24, 215.25, 215.26, 215.29, 215.31, 215.32, 215.3206, 215.3208, 215.321, 215.322, 215.34, 215.35, 215.405, 215.42, 215.422, 215.44, 215.50, 215.551, 215.552, 215.555, 215.559, 215.56005, 215.5601, 215.58, 215.62, 215.684, 215.70, 215.91, 215.92, 215.93, 215.94, 215.95, 215.96, 215.965, 215.97, 216.0442, 216.102, 216.141, 216.177, 216.181, 216.183, 216.192, 216.212, 216.221, 216.235, 216.237, 216.251, 216.271, 216.275, 216.292, 216.301, 217.07, 218.06, 218.23, 218.31, 218.321, 218.325, 220.62, 220.723, 228.2001, 229.0535, 229.0537, 229.05371, 229.111, 229.781, 231.261, 231.30, 231.545, 233.063, 233.07, 233.15, 233.16, 233.255, 236.43, 236.601, 237.121, 237.181, 237.211, 238.11, 238.15, 238.172, 238.173, 240.551, 242.331, 242.341, 245.13, 250.22, 250.24, 250.25, 250.26, 250.34, 252.62, 252.87, 253.02, 253.025, 255.03, 255.052, 255.258, 255.503, 255.521, 257.22, 258.014, 259.032, 259.041, 265.53, 265.55, 267.075, 272.18, 280.02, 280.04, 280.041, 280.05, 280.051, 280.052, 280.053, 280.054, 280.055, 280.06, 280.07, 280.071, 280.08, 280.085, 280.09, 280.10, 280.11, 280.13, 280.16, 280.17, 280.18, 280.19, 282.1095, 284.02, 284.04, 284.05, 284.06, 284.08, 284.14, 284.17, 284.30, 284.31, 284.32, 284.33, 284.34, 284.35, 284.37, 284.385, 284.39, 284.40, 284.41, 284.42, 284.44, 284.50, 287.042, 287.057, 287.058, 287.063, 287.064, 287.09451, 287.115, 287.131, 287.175, 288.1045, 288.106, 288.109, 288.1253, 288.709, 288.712, 288.776, 288.778, 288.99, 289.051, 289.081, 289.121, 292.085, 313.02, 314.02, 316.3025, 316.545, 320.02, 320.081, 320.20, 320.71, 320.781, 322.21, 324.032, 324.171, 326.006, 331.303, 331.309, 331.3101, 331.348, 331.419, 336.022, 337.25, 339.035, 339.081, 344.17, 350.06, 354.03, 365.173, 370.06, 370.16, 370.19, 370.20, 373.503, 373.59, 373.6065, 374.983, 374.986, 376.11, 376.123, 376.307, 376.3071, 376.3072, 376.3075, 376.3078, 376.3079, 376.40, 377.23, 377.2425, 377.705, 378.035, 378.037, 378.208, 381.765, 381.90, 388.201, 388.301, 391.025, 391.221, 392.69, 393.002, 393.075, 394.482, 400.0238, 400.063, 400.071, 400.4174, 400.4298, 400.471, 400.962, 401.245, 401.25, 402.04, 402.17, 402.33, 403.1835, 403.1837, 403.706, 403.724, 403.8532, 404.111, 408.040, 408.05, 408.08, 408.18, 408.50, 408.7056, 408.902, 409.175, 409.25656, 409.25658, 409.2673, 409.8132, 409.817, 409.818, 409.910, 409.912, 409.9124, 409.915, 411.01, 413.32, 414.27, 414.28, 420.0005, 420.0006, 420.101, 420.123, 420.131, 420.141, 420.5092, 430.42, 430.703, 440.103, 440.105, 440.1051, 440.106, 440.13, 440.134, 440.135, 440.20, 440.24, 440.38, 440.381, 440.385, 440.44, 440.4416, 440.49, 440.50, 440.51, 440.515, 440.52, 443.131, 443.191, 443.211, 447.12, 450.155, 456.047, 468.392, 473.3065, 475.045, 475.484, 475.485, 489.144, 489.145, 489.533, 494.001, 494.0011, 494.0017, 494.00421, 497.005, 497.101, 497.105, 497.107, 497.109, 497.115, 497.117, 497.131, 497.201, 497.253, 497.313, 497.403, 497.407, 497.435, 497.525, 498.025, 498.049, 499.057, 501.212, 509.215, 513.055, 516.01, 516.03, 516.35, 517.021, 517.03, 517.061, 517.075, 517.1204, 517.1205, 517.131, 517.141, 517.151, 518.115, 518.116, 519.101, 520.02, 520.07, 520.31, 520.34, 520.61, 520.76, 520.998, 526.141, 537.003, 537.004, 537.011, 548.066, 548.077, 550.0251, 550.054, 550.0951, 550.125, 550.135, 550.1645, 552.081, 552.161, 552.21, 552.26, 553.72, 553.73, 553.74, 553.79, 554.1021, 554.105, 554.111, 559.10, 559.543, 559.545, 559.55, 559.555, 559.725, 559.730, 559.928, 560.102, 560.103, 560.119, 560.4041, 560.408, 561.051, 562.44, 567.08, 569.205, 570.13, 570.195, 570.20, 574.03, 589.06, 597.010, 601.10, 601.15, 601.28, 607.0501, 607.14401, 609.05, 617.0501, 617.1440, 624.05, 624.155, 624.305, 624.307, 624.310, 624.314, 624.319, 624.320, 624.321, 624.322, 624.33, 624.404, 624.4071, 624.4085, 624.40851, 624.422, 624.423, 624.442, 624.4435, 624.484, 624.5015, 624.502, 624.506, 624.5091, 624.5092, 624.516, 624.517, 624.519, 624.521, 624.523, 624.610, 624.87, 624.91, 625.161, 625.317, 625.52, 625.53, 625.83, 626.266, 626.2815, 626.322, 626.592, 626.742, 626.7492, 626.8427, 626.8463, 626.8467, 626.847, 626.8736, 626.906, 626.907, 626.912, 626.918, 626.931, 626.932, 626.936, 626.9361, 626.937, 626.938, 626.9511, 626.9541, 626.9543, 626.989, 626.9892, 626.9911, 626.9912, 626.9916, 627.0613, 627.0628, 627.0651, 627.06535, 627.0915, 627.0916, 627.092, 627.096, 627.221, 627.311, 627.351, 627.413, 627.4236, 627.6472, 627.6482, 627.6488, 627.6675, 627.7012, 627.7015, 627.727, 627.728, 627.736, 627.849, 627.912, 627.9122, 627.919, 627.94074, 627.944, 627.948, 628.461, 628.4615, 629.401, 631.001, 631.221, 631.392, 631.54, 631.57, 631.59, 631.714, 631.72, 631.723, 631.813, 631.814, 631.904, 631.911, 631.912, 631.917, 631.931, 632.628, 633.01, 633.022, 633.025, 633.052, 633.061,

633.081, 633.111, 633.161, 633.162, 633.30, 633.31, 633.353, 633.382, 633.43, 633.445, 633.45, 633.46, 633.461, 633.47, 633.50, 633.524, 634.011, 634.137, 634.151, 634.161, 634.221, 634.301, 634.313, 634.324, 634.327, 634.3284, 634.401, 634.415, 634.416, 634.427, 634.433, 635.011, 635.041, 636.003, 636.043, 636.047, 636.052, 641.185, 641.19, 641.23, 641.26, 641.28, 641.39001, 641.402, 641.403, 641.412, 641.454, 641.455, 641.48, 641.49, 641.511, 641.52, 641.55, 641.58, 642.015, 642.0475, 648.25, 648.26, 648.34, 648.355, 648.37, 648.386, 648.442, 650.06, 651.011, 651.015, 651.0235, 651.035, 651.121, 651.125, 655.001, 655.005, 655.057, 655.90, 657.002, 657.253, 658.23, 658.295, 658.2953, 658.83, 660.27, 660.28, 687.13, 687.14, 697.202, 697.205, 697.206, 713.596, 716.02, 716.03, 716.04, 716.05, 716.06, 716.07, 717.101, 717.135, 717.138, 718.501, 719.501, 721.24, 721.26, 723.006, 732.107, 733.816, 744.534, 766.105, 766.115, 766.314, 766.315, 768.28, 790.001, 790.1612, 791.01, 791.015, 817.16, 817.234, 839.06, 849.086, 849.33, 860.154, 860.157, 896.102, 903.101, 903.27, 925.037, 932.7055, 932.707, 938.27, 939.13, 943.031, 943.032, 944.516, 946.33, 946.509, 946.510, 946.517, 946.522, 946.525, 947.12, 950.002, 957.04, 985.406, 985.409, F.S., to conform; increasing membership on the board of directors of the Florida Healthy Kids Corporation; repealing s. 18.03, F.S., relating to the residence and office of the Treasurer, s. 18.07, F.S., relating to records of warrants and state funds and securities, s. 18.09, F.S., relating to a report to the Legislature, s. 18.091, F.S., relating to employees for legislative sessions; s. 18.22, F.S., relating to rules, s. 657.067, F.S., relating to conversion of credit unions from federal to state charter; amending s. 627.0623, F.S.; limiting campaign contributions from certain persons to or on behalf of the Treasurer or Chief Financial Officer; providing a criminal penalty for a violation; amending s. 655.019, F.S.; limiting campaign contributions from certain persons to or on behalf of the Comptroller or Chief Financial Officer; providing a criminal penalty for a violation; transferring the powers, duties, personnel, property, and unexpended balances of funds of the Correctional Privatization Commission to the office of the chief financial officer; amending s. 957.03, F.S.; providing for the office of the chief financial officer to provide administrative support, oversight, and service to the commission; amending s. 190.006, F.S.; revising procedures for electing supervisors of community development districts; providing effective dates.

—as amended March 7 was read the third time by title.

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

Amendment 1 (532046)—On page 830, line 26, delete “20.06(2)” and insert: 20.06

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

Amendment 2 (675418)(with title amendment)—On page 832, line 15 through page 837, line 15, delete section 894 and renumber subsequent sections.

And the title is amended as follows:

On page 8, lines 20-22, delete those lines and insert: service to the commission;

Amendment 3 (872636)—On page 10, line 29 through page 11, line 2, delete those lines and insert: *in consultation with the Chief Financial Officer. Pursuant to Art. IV, s. (6)(a) of the State Constitution, before entering upon the duties of office, a director must be confirmed by all three members of the Cabinet. At any time after a director enters upon the duties of office, if the Governor or any member of the Cabinet so requests, in writing, for any reason, the Governor shall call for a vote, within 30 days, on whether the subject director will continue in office. If a director fails to obtain the affirmative vote of a majority of the Governor and Cabinet, the subject director is removed from office, the office becomes vacant on the date specified in the Governor’s order, and the Governor shall appoint a replacement director in the manner provided for in this subsection.*

On motion by Senator Latvala, further consideration of **CS for CS for SB’s 662 and 232** as amended was deferred.

CS for SB 1926—A bill to be entitled An act relating to citrus canker; amending s. 581.184, F.S.; revising the definition of citrus trees that are exposed to infection from the citrus canker bacteria; providing for the

removal and destruction of infected citrus trees and citrus trees exposed to infection; providing for notice of removal by immediate final order; providing requirements for an immediate final order; requiring certain information to be provided to a property owner; deleting certain duties of the Department of Agriculture and Consumer Services; authorizing chief law enforcement officers to perform certain duties; amending s. 933.02, F.S.; providing grounds for issuance of search warrants relating to the spread of citrus canker; amending s. 933.07, F.S.; authorizing the department to obtain a search warrant and requiring a court proceeding prior to the issuance of such search warrant; providing for repeal and review of s. 581.184(1)(b), F.S., relating to definition of the term "exposed to infection"; providing effective dates.

—was read the third time by title.

On motion by Senator Posey, **CS for SB 1926** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—22

Brown-Waite	Laurent	Saunders
Burt	Lawson	Sebesta
Cowin	Lee	Smith
Crist	Miller	Sullivan
Dyer	Mitchell	Webster
Futch	Peaden	Wise
King	Posey	
Latvala	Pruitt	

Nays—13

Campbell	Jones	Sanderson
Diaz de la Portilla	Klein	Silver
Garcia	Meek	Villalobos
Geller	Rossin	Wasserman Schultz
Holzendorf		

Vote after roll call:

Yea—Carlton, Clary, Constantine

Consideration of the following Claims Bills was deferred: **SB 8, CS for SB 10, CS for SB 24, SB 26, SB 30, CS for SB 32, CS for SB 36, SB 38, SB 44, CS for SB 46, SB 50, CS for SB 52, CS for SB 56, CS for SB 60, SB 62, CS for SB 66, SB 72 and SB 74.**

SPECIAL ORDER CALENDAR

On motion by Senator Pruitt—

CS for SB 2238—A bill to be entitled An act relating to funeral and cemetery services; providing a short title; providing for transfer of all records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of ch. 497, F.S., relating to funeral and cemetery services, from the Department of Banking and Finance to the Department of Business and Professional Regulation; ending the terms of current members of the Board of Funeral Directors and Embalmers and of the Board of Funeral and Cemetery Services; providing for appointment and staggering of terms of members of the new Board of Funeral Directors and Cemeteries; preserving the validity of judicial and administrative proceedings pending at the time of such transfer and the validity of licenses and registrations in effect at the time of such transfer; amending ss. 20.165, 455.2226, 470.002, 470.003, 497.005, 497.105, 497.117, 497.201, 497.253, F.S.; revising terminology and references, to conform; providing for payment of fees and costs of legal counsel to be paid from the Professional Regulation Trust Fund, to conform; reducing the number of contiguous acres required for a cemetery; providing for application; amending s. 215.321, F.S., relating to the Regulatory Trust Fund, to remove deposit therein of funds received pursuant to ch. 497, F.S.; amending s. 470.017, F.S.; increasing college credit course requirements for registration as a direct disposer; amending s. 470.018, F.S.; increasing continuing education requirements for renewal of registration as a direct disposer; amending s. 470.0295, F.S.; eliminating an exception to the requirement that a licensed funeral director be present during the disinterment and reinterment of human remains; requiring a permit prior to the disinterment of human remains; amending s. 470.0355, F.S.; revising requirements for

the identification of human remains; providing rulemaking authority; providing penalties and providing for civil actions; amending s. 497.103, F.S.; requiring the board to establish by rule reasonable times for access to cemeteries; amending s. 497.305, F.S.; prohibiting cemetery companies from restricting cemetery access to authorized installers of monuments and markers during the access times established by board rule; amending s. 497.325, F.S.; clarifying applicability of certain illegal tying arrangements to all entities owning and operating a cemetery; amending s. 497.333, F.S.; requiring each written contract provided to a customer to include a complete description of any grave space to be used for the interment of human remains; repealing s. 497.361(5), F.S., relating to requirements for delivery and deadlines for installation of monuments; amending s. 497.419, F.S.; providing that failure to install a monument within a specified period after interment constitutes breach of contract; authorizing extension of such period by written agreement; amending ss. 497.233, 497.429, F.S.; conforming cross-references; creating s. 497.442, F.S.; prohibiting the preneed sale of undeveloped cemetery property prior to the filing of a site plan for board approval; requiring site plans for undeveloped cemetery property to be completed by a professional surveyor and mapper; providing penalties; repealing s. 497.101, F.S., relating to the Board of Funeral and Cemetery Services, to conform; repealing s. 497.107, F.S., relating to the headquarters of the board, to conform; repealing s. 497.109, F.S., relating to organization and meetings of the board, to conform; requiring death certificates to include the location where the body is buried; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2238** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 924** was deferred.

On motion by Senator Pruitt, by two-thirds vote **CS for HB 377** was withdrawn from the Committees on Governmental Oversight and Productivity; and Appropriations.

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

CS for HB 377—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.

—a companion measure, was substituted for **CS for SB 544** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 377** was placed on the calendar of Bills on Third Reading.

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

On motion by Senator Geller—

SB 2094—A bill to be entitled An act relating to misbranded food products; amending s. 500.121, F.S.; requiring retesting of certain food products administratively determined to be misbranded; providing penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2094** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 1916—A bill to be entitled An act relating to bail bond agencies and agents; creating s. 648.24, F.S.; declaring public policy; amending s. 648.25, F.S.; defining terms; amending s. 648.27, F.S.; prescribing licensure requirements for managing general agents; creating s. 648.285, F.S.; providing for temporary permits; amending s. 648.29, F.S.; prescribing requirements for build-up accounts; amending ss. 648.30, 648.31, F.S.; eliminating references to runners; amending s. 648.34, F.S.; revising qualifications for bail bond agents; amending s. 648.355, F.S.; revising qualifications for temporary licenses; amending s. 648.36, F.S.; requiring licensees to maintain certain records; amending s. 648.381, F.S.; prescribing additional education requirements for certain persons seeking reexamination; amending ss. 648.382, 648.383, F.S.; eliminating references to runners; requiring an affidavit regarding premiums owed; amending s. 648.384, F.S.; eliminating references to runners; amending s. 648.385, F.S.; removing obsolete provisions; amending s. 648.386, F.S.; increasing certain education requirements; creating s. 648.387, F.S.; providing for the designation of primary bail bond agents; amending s. 648.388, F.S.; prescribing requirements for managing general agents; amending ss. 648.39, 648.41, F.S.; eliminating references to runners; amending s. 648.44, F.S.; prohibiting certain forms of solicitation and advertising; eliminating references to runners; amending s. 648.441, F.S.; eliminating references to runners and establishing a fine for certain violations; amending s. 648.442, F.S.; prescribing requirements relating to collateral security; prescribing requirements for the appointment of certain bail bond appointees who were previously appointed; amending s. 648.4425, F.S.; requiring agents to provide a statement of surrender; amending s. 648.45, F.S.; prohibiting the filing of false reports and other actions relating to reports; amending s. 648.52, F.S.; increasing an administrative penalty; creating s. 648.525, F.S.; providing for civil administrative proceedings against licensees; amending s. 648.571, F.S.; providing procedures for the return of collateral; authorizing certain fees; providing a penalty; amending ss. 624.501, 624.523, F.S.; eliminating references to runners; repealing s. 648.37, F.S., relating to qualifications of runners; providing severability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1916** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

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

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Campbell and adopted:

Amendment 1 (670382)—In title, on page 1, line 4, delete “676.519” and insert: 679.519

Senator Campbell moved the following amendments which were adopted:

Amendment 2 (894736)(with title amendment)—On page 12, between lines 17 and 18, insert:

Section 15. Section 679.5041, Florida Statutes, is amended to read:

679.5041 Indication of collateral.—A financing statement sufficiently indicates the collateral that it covers if the financing statement provides:

(1) A description of the collateral pursuant to s. 679.1081; or

(2) ~~If the security agreement grants a security interest in all of the debtor's personal property and such property is reasonably identified in~~

~~the security agreement, as permitted by s. 679.1081, An indication that the financing statement covers all assets or all personal property.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, following the semicolon (;) insert: amending s. 679.5041, F.S.; revising provisions governing sufficiency of indications of collateral in financing statements;

Amendment 3 (600782)—On page 8, line 24 through page 10, line 15, delete those lines and insert:

Section 11. Subsections (1) and (2) of section 679.516, Florida Statutes, are amended to read:

679.516 What constitutes filing; effectiveness of filing.—

(1) Except as otherwise provided in subsection (2), communication of a record to a filing office *and*, tender of the processing fee, or acceptance of the record by the filing office constitutes filing.

(2) Filing does not occur with respect to a record that a filing office refuses to accept because:

(a) The record is not communicated by a method or medium of communication authorized by the filing office;

(b) An amount equal to or greater than the applicable processing fee is not tendered;

~~(c) The record does not include the notation required by s. 201.22 indicating that the excise tax required by chapter 201 had been paid or is not required;~~

(c)(d) The filing office is unable to index the record because:

1. In the case of an initial financing statement, the record does not provide an organization's name or, if an individual, the individual's last name and first name ~~or initial~~;

2. In the case of an amendment or correction statement, the record:

a. Does not correctly identify the initial financing statement as required by s. 679.512 or s. 679.518, as applicable; or

b. Identifies an initial financing statement the effectiveness of which has lapsed under s. 679.515;

3. In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's last name and first name ~~or initial~~; or

4. In the case of a record filed or recorded in the filing office described in s. 679.5011(1)(a), the record does not provide a sufficient description of the real property to which it relates;

~~(d)(e)~~ In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide an organization's name or, if an individual, the individual's last name and first name ~~or initial~~ and mailing address for the secured party of record;

~~(e)(f)~~ In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

1. Provide a mailing address for the debtor;

2. Indicate whether the debtor is an individual or an organization; or

3. If the financing statement indicates that the debtor is an organization, provide:

a. A type of organization for the debtor;

- b. A jurisdiction of organization for the debtor; or
- c. An organizational identification number for the debtor or indicate that the debtor has none;

(f)(g) In the case of an assignment reflected in an initial financing statement under s. 679.514(1) or an amendment filed under s. 679.514(2), the record does not provide an organization's name or, if an individual, the individual's last name and first name or initial and mailing address for the assignee;

(g)(h) In the case of a continuation statement, the record is not filed within the 6-month period prescribed by s. 679.515(4);

(h)(i) In the case of an initial financing statement or an amendment, which amendment requires the inclusion of a collateral statement but the record does not provide any, the record does not provide a statement of collateral; or

(i) *The record does not include the notation required by s. 201.22 indicating that the excise tax required by chapter 201 had been paid or is not required.*

Pursuant to Rule 4.19, **CS for SB 1066** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

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.

—was read the second time by title.

Senator Holzendorf moved the following amendments which were adopted:

Amendment 1 (941742)—On page 23, lines 22-26, delete those lines and insert:

Section 12. *The Florida Black Business Investment Board, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2003, on the feasibility of including minority business enterprises, as defined under section 288.703, Florida Statutes, within the programs, services, and activities of the Florida Black Business Investment Board, Inc., and the black business investment corporations. The report shall include recommendations on a funding level necessary to expand the scope of such programs, services, and activities to include other minority business enterprises in addition to black business enterprises.*

Amendment 2 (104282)(with title amendment)—On page 8, lines 1-21, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 16-26, delete those lines and insert: 288.7075, F.S.; amending s. 288.708, F.S.;

Pursuant to Rule 4.19, **CS for CS for CS for SB 386** 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

The Senate resumed consideration of—

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

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

631.714, 631.72, 631.723, 631.813, 631.814, 631.904, 631.911, 631.912, 631.917, 631.931, 632.628, 633.01, 633.022, 633.025, 633.052, 633.061, 633.081, 633.111, 633.161, 633.162, 633.30, 633.31, 633.353, 633.382, 633.43, 633.445, 633.45, 633.46, 633.461, 633.47, 633.50, 633.524, 634.011, 634.137, 634.151, 634.161, 634.221, 634.301, 634.313, 634.324, 634.327, 634.3284, 634.401, 634.415, 634.416, 634.427, 634.433, 635.011, 635.041, 636.003, 636.043, 636.047, 636.052, 641.185, 641.19, 641.23, 641.26, 641.28, 641.39001, 641.402, 641.403, 641.412, 641.454, 641.455, 641.48, 641.49, 641.511, 641.52, 641.55, 641.58, 642.015, 642.0475, 648.25, 648.26, 648.34, 648.355, 648.37, 648.386, 648.442, 650.06, 651.011, 651.015, 651.0235, 651.035, 651.121, 651.125, 655.001, 655.005, 655.057, 655.90, 657.002, 657.253, 658.23, 658.295, 658.2953, 658.83, 660.27, 660.28, 687.13, 687.14, 697.202, 697.205, 697.206, 713.596, 716.02, 716.03, 716.04, 716.05, 716.06, 716.07, 717.101, 717.135, 717.138, 718.501, 719.501, 721.24, 721.26, 723.006, 732.107, 733.816, 744.534, 766.105, 766.115, 766.314, 766.315, 768.28, 790.001, 790.1612, 791.01, 791.015, 817.16, 817.234, 839.06, 849.086, 849.33, 860.154, 860.157, 896.102, 903.101, 903.27, 925.037, 932.7055, 932.707, 938.27, 939.13, 943.031, 943.032, 944.516, 946.33, 946.509, 946.510, 946.517, 946.522, 946.525, 947.12, 950.002, 957.04, 985.406, 985.409, F.S., to conform; increasing membership on the board of directors of the Florida Healthy Kids Corporation; repealing s. 18.03, F.S., relating to the residence and office of the Treasurer, s. 18.07, F.S., relating to records of warrants and state funds and securities, s. 18.09, F.S., relating to a report to the Legislature, s. 18.091, F.S., relating to employees for legislative sessions; s. 18.22, F.S., relating to rules, s. 657.067, F.S., relating to conversion of credit unions from federal to state charter; amending s. 627.0623, F.S.; limiting campaign contributions from certain persons to or on behalf of the Treasurer or Chief Financial Officer; providing a criminal penalty for a violation; amending s. 655.019, F.S.; limiting campaign contributions from certain persons to or on behalf of the Comptroller or Chief Financial Officer; providing a criminal penalty for a violation; transferring the powers, duties, personnel, property, and unexpended balances of funds of the Correctional Privatization Commission to the office of the chief financial officer; amending s. 957.03, F.S.; providing for the office of the chief financial officer to provide administrative support, oversight, and service to the commission; amending s. 190.006, F.S.; revising procedures for electing supervisors of community development districts; providing effective dates.

—which was previously considered and amended this day.

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

Amendment 4 (604060)—On page 594, lines 16-18, delete those lines and insert:

11. One member, appointed by the Chief Financial Officer from among three members nominated by the Florida Association of Counties, representing rural counties;

12. One member, appointed by the Governor from among three members nominated by the Florida Association of Counties, representing urban counties; and

(Redesignate subsequent subparagraph)

On motion by Senator Latvala, **CS for CS for SB's 662 and 232** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—5

Holzendorf	Meek	Sanderson
Lawson	Miller	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Campbell—

CS for SB 288—A bill to be entitled An act relating to children; amending s. 39.013, F.S.; providing that time limitations under ch. 39, F.S., do not include continuances requested by any party; providing limitations on continuances; amending s. 39.402, F.S.; providing that time limitations governing placement of a child in a shelter do not include continuances requested by any party; providing limitations on continuances; amending s. 39.506, F.S.; eliminating the requirement for a court's continued review of a child's placement in a shelter; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 288** was placed on the calendar of Bills on Third Reading.

SB 968—A bill to be entitled An act relating to the Florida Healthy Kids Corporation; allowing the corporation to establish and manage an operating fund; providing purposes of the fund; providing limitations on the cash balance; providing for reversion of moneys to the state upon the dissolution of the corporation; providing an effective date.

—was read the second time by title.

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

Amendment 1 (930484)—On page 1, lines 18-21, delete those lines and insert: *at any given time a cash balance reserve equal to no more than 25 percent of its annualized operating expenses. Upon dissolution of the corporation, any remaining cash balances of state funds shall revert to the General Revenue Fund, or such other state funds consistent with the appropriated funding, as provided by law.*

On motion by Senator Silver, further consideration of **SB 968** with pending **Amendment 1 (930484)** was deferred.

On motion by Senator Clary, by two-thirds vote **CS for HB 395** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Clary—

CS for HB 395—A bill to be entitled An act relating to commodity procurement; amending ss. 287.063 and 287.064, F.S.; including certain equipment, accounting software, and services under deferred payment commodity contracts which replace state accounting and cash management systems; providing an effective date.

—a companion measure, was substituted for **CS for SB 924** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 395** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for CS for SB 686—A bill to be entitled An act relating to legal proceedings involving minor children; providing for the transfer of the guardian ad litem program to the Statewide Public Guardianship Office; providing for county funding of program elements; renaming each guardian ad litem office as a Circuit Office of Children's Representation; providing for a study to determine the organizational placement of the Statewide Public Guardianship Office and Children's Representation offices with recommendations to the Legislature by February 1, 2003; amending s. 25.388, F.S.; including the Statewide Public Guardianship Office representation of children as recipients of moneys from the Family Courts Trust Funds; amending s. 744.7021, F.S.; requiring the Statewide Public Guardianship Office to establish standards for the representation of children; requiring an annual report to the Legislature; requiring the office to establish a Circuit Office of Children's Representation

in each judicial circuit; authorizing the circuit offices to provide and coordinate the provision of legal services for children when private representation is unavailable; requiring the circuit offices to provide representation for children in dependency proceedings; providing for appointing a lay representative and an attorney to represent the best interest of the child; authorizing the Statewide Public Guardianship Office or the Circuit Offices of Children's Representation to establish a nonprofit organization to assist in funding the services provided to children; amending s. 27.51, F.S.; authorizing a public defender to enter into an agreement for representation of a child in a dependency proceeding; amending s. 39.001, F.S.; requiring the Statewide Public Guardianship Office to participate in revising the statewide plan to prevent abuse, abandonment, and neglect of children; requiring that the Circuit Offices of Children's Representation participate in revising local plans; amending s. 39.01, F.S.; redefining the term "party" to include, under certain circumstances, a guardian ad litem; limiting a child's right to file documents; providing for notice to a party; providing for excusing a child from appearing in court; amending s. 39.013, F.S.; providing for representation of children in proceedings under ch. 39, F.S.; amending s. 39.202, F.S.; authorizing access to records by the guardian ad litem and the child; amending s. 39.302, F.S.; requiring notification of the guardian ad litem or legal counsel of reports of institutional child abuse, neglect, or abandonment; amending s. 39.305, F.S.; providing for the Statewide Public Guardianship Office to participate in developing the model plan for intervention and treatment in certain sexual-abuse cases; amending s. 39.402, F.S.; providing for notice of and representation for a child at a shelter hearing; providing for continuance of the hearing in order for the child to obtain representation; amending s. 39.407, F.S.; authorizing legal counsel to represent a child placed in residential treatment; requiring that notice and information regarding the child's treatment be provided to the child's guardian ad litem and legal counsel; amending s. 39.4085, F.S.; requiring that the child, the guardian ad litem, or legal counsel participate in developing a case plan; providing for the right of a child to be heard at all review hearings; providing for appointment of a guardian ad litem or legal counsel; repealing s. 39.4086, F.S., relating to a pilot program for appointing attorneys ad litem for dependent children; amending s. 39.502, F.S.; providing for notice and service of process on legal counsel or guardian ad litem; amending s. 39.504, F.S.; authorizing the child's guardian ad litem or attorney to file for an injunction to prevent child abuse or an unlawful sexual offense; amending s. 39.505, F.S.; specifying that the guardian ad litem need not file an answer to a petition or pleading; amending s. 39.510, F.S.; authorizing the representative of a party to appeal a court order; amending s. 39.521, F.S.; requiring that a case plan and certain reports be provided to specified parties; limiting discharge of a guardian ad litem or legal counsel unless other representation is provided to a child; authorizing approval of withdrawal request; amending s. 39.701, F.S.; authorizing the court to dismiss a child from a judicial review hearing; requiring that notice be provided to the child and legal counsel; requiring service of reports on specified parties; requiring the court to determine whether a child needs a guardian ad litem or attorney; amending s. 39.801, F.S.; requiring that notice of a petition be served on a child; exempting a child's legal counsel from payment of fees for service of process or other papers; amending s. 39.802, F.S.; providing for a child through legal counsel to file a petition for termination of parental rights; amending s. 39.805, F.S.; providing that a guardian ad litem need not file an answer; amending s. 39.806, F.S.; providing requirements for a child in filing a petition for termination of parental rights; amending s. 39.807, F.S.; providing requirements for the representation provided to a child by the guardian ad litem or legal counsel; eliminating provisions related to posting of a bond and service on a guardian ad litem; amending s. 39.808, F.S.; providing for appointment of legal counsel following a petition to terminate parental rights; amending s. 39.810, F.S.; providing for the court to consider the expressed interest of the child in a hearing on a petition to terminate parental rights; providing that the court must consider information related to best-interest requirements provided by a guardian ad litem; amending s. 39.811, F.S.; requiring that the court consider information provided by the child or the guardian ad litem in determining whether to retain jurisdiction over a dependent child; amending s. 39.820, F.S.; amending the definition of the term "guardian ad litem" to eliminate references to the guardian ad litem program; amending s. 39.821, F.S.; providing qualifications for guardians ad litem and staff members of the Circuit Office of Children's Representation providing representation to children; amending s. 39.822, F.S.; designating who may be a guardian ad litem; providing for appointment of the Circuit Office of Children's Representation when the child and parents are indigent; requiring background checks of specified guardians ad litem; creating s. 39.8225, F.S.; providing powers and duties of a guardian ad litem;

requiring that a guardian ad litem represent the child's best interest; requiring that a guardian ad litem investigate allegations in a pleading filed; providing requirements for conducting an investigation; requiring that the guardian ad litem and attorney consult with the child; requiring a report; providing for attorney review of the report and presentation to the court; requiring that the court be informed of the expressed interest of the child; authorizing the court to issue a blanket order for the guardian ad litem to obtain information; authorizing the guardian ad litem to petition the court to issue orders; providing for notice of written reports to all parties; requiring that the guardian ad litem file certain pleadings through counsel; creating s. 39.84, F.S.; providing for confidentiality; creating s. 39.86, F.S.; providing immunity for a guardian ad litem, staff or volunteer in a Circuit Office of Children's Representation, and a court-appointed psychologist; creating s. 39.8226, F.S.; providing for appointment of legal counsel for a child; requiring that the court determine capacity of a child before appointing legal counsel; providing for appointment of legal counsel when the Circuit Office of Children's Representation is providing representation; authorizing the Circuit Office of Children's Representation to petition for appointment of counsel; amending s. 40.24, F.S.; providing for payment for jurors to be used to fund the representation of children in a proceeding under ch. 39, F.S., and related proceedings; amending s. 215.5601, F.S.; providing for the Director of the Statewide Public Guardianship Office rather than the director of the guardian ad litem program to be a member of the Lawton Chiles Endowment Fund Advisory Council; amending s. 985.308, F.S.; substituting the Statewide Public Guardianship Office for the guardian ad litem program on the membership of a sexual abuse intervention network; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment:

Amendment 1 (335246)(with title amendment)—On page 7, line 12 through page 11, line 14, delete those lines and insert:

Section 1. *The guardian ad litem program is transferred to the Statewide Public Guardianship and Children's Representation Office, and each circuit guardian ad litem office is renamed as the Circuit Office of Children's Representation.*

Section 2. *The Statewide Public Guardianship and Children's Representation Office, in consultation with appropriate parties, including the judicial branch, Office of the Governor, Attorney General, and a representative of the Justice Administrative Commission, shall study the organizational placement of the Statewide Public Guardianship and Children's Representation Office, including the Deputy Director and related staff and the Circuit Offices of Children's Representation, and shall make recommendations regarding the placement to the Legislature by February 1, 2003.*

Section 3. *Effective October 1, 2002, the guardian ad litem program in the Office of the State Court Administrator and in each judicial circuit and all of its statutory powers, duties, and functions, and its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Statewide Public Guardianship and Children's Representation Office. The counties shall continue to fund those existing elements of the guardian ad litem offices when the offices become Circuit Offices of Children's Representation. Such funding shall be consistent with current practice including providing for additions to office staffing until the Legislature expressly assumes the responsibility for funding such elements.*

Section 4. Subsection (1) of section 25.388, Florida Statutes, is amended to read:

25.388 Family Courts Trust Fund.—

(1)(a) The trust fund moneys in the Family Courts Trust Fund, administered by the Supreme Court, shall be used to implement family court plans in all judicial circuits of this state.

(b) The Supreme Court, through the Office of the State Courts Administrator, shall adopt a comprehensive plan for the operation of the trust fund and the expenditure of any moneys deposited into the trust fund. The plan shall provide for a comprehensive integrated response to families in litigation, including domestic violence matters, *the Statewide*

Public Guardianship and Children's Representation Office's representation of children in dependency proceedings guardian ad litem programs, mediation programs, legal support, training, automation, and other related costs incurred to benefit the citizens of the state and the courts in relation to family law cases. The trust fund shall be used to fund the publication of the handbook created pursuant to s. 741.0306.

Section 5. Section 744.701, Florida Statutes, is amended to read:

744.701 Short title.—This act shall be known and may be cited as the "Public Guardianship and Children's Representation Act."

Section 6. Section 744.702, Florida Statutes, is amended to read:

744.702 Legislative intent.—*The Legislature finds that children involved in dependency proceedings and incapacitated persons are the state's most vulnerable residents.*

(1) *If a minor child is a party to a dependency proceeding, every effort should be made to ensure that the child has representation through a guardian ad litem or legal counsel. If the child and the child's parents are indigent, the state should ensure that the child is protected in dependency proceedings. One of the purposes of this part is to ensure that the rights and interests of a child who is a party to a dependency proceeding are protected when those rights and interests are not otherwise represented.*

(2) *The Legislature finds that private guardianship for an incapacitated person is inadequate where there is no willing and responsible family member or friend, other person, bank, or corporation available to serve as guardian for an incapacitated person, and such person does not have adequate income or wealth for the compensation of a private guardian. The Legislature intends through this act to establish the Statewide Public Guardianship and Children's Representation Office, and permit the establishment of offices of public guardian for the purpose of providing guardianship services for incapacitated persons when no private guardian is available. The Legislature further finds that alternatives to guardianship and less intrusive means of assistance should always be explored, including, but not limited to, guardian advocates, before an individual's rights are removed through an adjudication of incapacity. The purpose of this legislation is to provide a public guardian only to those persons whose needs cannot be met through less drastic means of intervention.*

Section 7. Section 744.7021, Florida Statutes, is amended to read:

744.7021 Statewide Public Guardianship and Children's Representation Office.—There is hereby created the Statewide Public Guardianship and Children's Representation Office within the Department of Elderly Affairs. The Department of Elderly Affairs shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The Statewide Public Guardianship and Children's Representation Office may request the assistance of the Inspector General of the Department of Elderly Affairs in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the Statewide Public Guardianship and Children's Representation Office. The Statewide Public Guardianship and Children's Representation Office shall not be subject to control, supervision, or direction by the Department of Elderly Affairs in the performance of its duties.

(1) *The head of the Statewide Public Guardianship and Children's Representation Office is the executive director, who shall be appointed by the Governor for a term of 3 years and who shall report to the Governor. The executive director must be a licensed attorney who has experience in managing legal services or similar management experience. The executive director shall appoint a deputy director of the Children's Representation Program and a deputy director of the Statewide Public Guardianship Program. The deputy director of the Children's Representation Program must be a licensed attorney who is knowledgeable in dependency law and has experience in managing the provision of legal services. The deputy director of the Statewide Public Guardianship Program must be a licensed attorney with a background in guardianship law and knowledge of social services available to meet the needs of incapacitated persons, shall serve on a full-time basis, and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Public Guardianship Office in accordance with state and fed-*

eral law. The executive director shall serve at the pleasure of and report to the Governor.

(2) The Statewide Public Guardianship and Children's Representation Office shall, within available resources, have oversight responsibilities for all public guardians.

(a) The office shall review the current public guardian programs in Florida and other states.

(b) The office, in consultation with local guardianship offices, shall develop statewide performance measures and standards.

(c) The office shall review the various methods of funding guardianship programs, the kinds of services being provided by such programs, and the demographics of the wards. In addition, the office shall review and make recommendations regarding the feasibility of recovering a portion or all of the costs of providing public guardianship services from the assets or income of the wards.

(d) No later than October 1, 2000, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2001, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed public guardianship plan including alternatives for meeting the state's guardianship needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. Each year thereafter, the office shall provide a status report and provide further recommendations to address the need for public guardianship services and related issues.

(e) The office may provide assistance to local governments or entities in pursuing grant opportunities. The office shall review and make recommendations in the annual report on the availability and efficacy of seeking Medicaid matching funds. The office shall diligently seek ways to use existing programs and services to meet the needs of public wards.

(f) The office shall develop a guardianship training program. The training program may be offered to all guardians whether public or private. The office shall establish a curriculum committee to develop the training program specified in this part. The curriculum committee shall include, but not be limited to, probate judges. A fee may be charged to private guardians in order to defray the cost of providing the training. In addition, a fee may be charged to any training provider for up to the actual cost of the review and approval of their curriculum. Any fees collected pursuant to this paragraph shall be deposited in the Department of Elderly Affairs Administrative Trust Fund to be used for the guardianship training program.

(3)(a) *The office shall establish standards for representation of children by the Circuit Offices of Children's Representation, including recommended case loads for attorneys and for volunteers and staff lay representatives of a child.*

(b) *The office shall document the need for child representation throughout the state and report annually on October 1 to the Legislature concerning the need and the cost to adequately provide representation for children in dependency proceedings. The report must include information concerning the type and level of advocacy provided in prior years by both public entities and private entities providing contract or pro bono services.*

(c) *The office shall develop performance measures and standards for its services throughout the state and shall annually report on the performance of the Circuit Offices of Children's Representation.*

(d) *The office shall establish a Circuit Office of Children's Representation in each judicial circuit in the state. Each circuit office shall consist of an administrator, staff or pro bono attorneys, social workers, volunteer coordinators, volunteer or staff lay representatives for children, and support staff. The administrator in each office must be knowledgeable and proficient in the legal process and the legal representation of children in court proceedings, as well as discovery and mediation processes.*

(e) *Each Circuit Office of Children's Representation may provide and coordinate the provision of legal representation of children in each aspect*

of dependency proceedings when the child and the child's parents are indigent pursuant to s. 27.52 or the child's rights are not otherwise protected. The office must provide representation for each child not otherwise represented who is a party to a dependency proceeding.

(f) *If a Circuit Office of Children's Representation is appointed to represent a child, a staff or volunteer representative and a staff or pro bono attorney shall be assigned to provide the office's representation of the best interests of the child.*

(g) *To the extent possible, the Statewide Public Guardianship and Children's Representation Office or the Circuit Offices of Children's Representation may augment staff through agreements or contracts with the public defenders, private entities, or public or private colleges or universities for contract or pro bono legal representation to children as court-appointed counsel for the child, to provide pro bono representation to the office, or to provide non-legal volunteer representation.*

(h) *The Statewide Public Guardianship and Children's Representation Office and each Circuit Office of Children's Representatives may establish a not-for-profit support organization under section 501(c)(3) of the Internal Revenue Code to assist in funding the needs of children receiving services through the Circuit Offices of Children's Representation.*

(4)(3) The office may conduct or contract for demonstration projects, within funds appropriated or through gifts, grants, or contributions for such purposes, to determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights of persons of marginal or diminished capacity. Any gifts, grants, or contributions for such purposes shall be deposited in the Department of Elderly Affairs Administrative Trust Fund.

(5)(4) The office has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out the provisions of this section.

Section 8. Subsections (1) and (6) of section 744.703, Florida Statutes, are amended to read:

744.703 Office of public guardian; appointment, notification.—

(1) The executive director of the Statewide Public Guardianship and Children's Representation Office, after consultation with the chief judge and other circuit judges within the judicial circuit and with appropriate advocacy groups and individuals and organizations who are knowledgeable about the needs of incapacitated persons, may establish, within a county in the judicial circuit or within the judicial circuit, an office of public guardian and if so established, shall create a list of persons best qualified to serve as the public guardian, and such qualifications shall include review pursuant to s. 744.3135. The public guardian must have knowledge of the legal process and knowledge of social services available to meet the needs of incapacitated persons. A nonprofit corporation under s. 744.309(5) may be appointed public guardian only if:

(a) It has been granted tax-exempt status from the United States Internal Revenue Service; and

(b) It maintains a staff of professionally qualified individuals to carry out the guardianship functions, including a staff attorney who has experience in probate areas and another person who has a master's degree in social work, or a gerontologist, psychologist, registered nurse, or nurse practitioner.

(6) Public guardians who have been previously appointed by a chief judge prior to the effective date of this act pursuant to this section may continue in their positions until the expiration of their term pursuant to their agreement. However, oversight of all public guardians shall transfer to the Statewide Public Guardianship and Children's Representation Office upon the effective date of this act. The executive director of the Statewide Public Guardianship and Children's Representation Office shall be responsible for all future appointments of public guardians pursuant to this act.

Section 9. Section 744.706, Florida Statutes, is amended to read:

744.706 Preparation of budget.—Each public guardian, whether funded in whole or in part by money raised through local efforts, grants, or any other source or whether funded in whole or in part by the state,

shall prepare a budget for the operation of the office of public guardian to be submitted to the Statewide Public Guardianship and Children's Representation Office. As appropriate, the Statewide Public Guardianship and Children's Representation Office will include such budgetary information in the Department of Elderly Affairs' legislative budget request. The office of public guardian shall be operated within the limitations of the General Appropriations Act and any other funds appropriated by the Legislature to that particular judicial circuit, subject to the provisions of chapter 216. The Department of Elderly Affairs shall make a separate and distinct request for an appropriation for the Statewide Public Guardianship and Children's Representation Office. However, this section ~~does shall not be construed to~~ preclude the financing of any operations of the office of the public guardian by moneys raised through local effort or through the efforts of the Statewide Public Guardianship and Children's Representation Office.

Section 10. Section 744.707, Florida Statutes, is amended to read:

744.707 Procedures and rules.—The public guardian, subject to the oversight of the Statewide Public Guardianship and Children's Representation Office, is authorized to:

- (1) Formulate and adopt necessary procedures to assure the efficient conduct of the affairs of the ward and general administration of the office and staff.
- (2) Contract for services necessary to discharge the duties of the office.
- (3) Accept the services of volunteer persons or organizations and provide reimbursement for proper and necessary expenses.

Section 11. Subsections (3), (4), (5), (7), and (8) of section 744.708, Florida Statutes, are amended to read:

744.708 Reports and standards.—

(3) A public guardian shall file an annual report on the operations of the office of public guardian, in writing, by September 1 for the preceding fiscal year with the Statewide Public Guardianship and Children's Representation Office, which shall have responsibility for supervision of the operations of the office of public guardian.

(4) Within 6 months ~~after~~ of his or her appointment as guardian of a ward, the public guardian shall submit to the clerk of the court for placement in the ward's guardianship file and to the executive director of the Statewide Public Guardianship and Children's Representation Office a report on his or her efforts to locate a family member or friend, other person, bank, or corporation to act as guardian of the ward and a report on the ward's potential to be restored to capacity.

(5) An independent audit by a qualified certified public accountant shall be performed at least every 2 years. The audit should include an investigation into the practices of the office for managing the person and property of the wards. A copy of the report shall be submitted to the Statewide Public Guardianship and Children's Representation Office. In addition, the office of public guardian shall be subject to audits or examinations by the Auditor General and the Office of Program Policy Analysis and Government Accountability pursuant to law.

(7) The ratio for professional staff to wards shall be 1 professional to 40 wards. The Statewide Public Guardianship and Children's Representation Office may increase or decrease the ratio after consultation with the local public guardian and the chief judge of the circuit court. The basis of the decision to increase or decrease the prescribed ratio shall be reported in the annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

(8) The term "professional," for purposes of this part, shall not include the public guardian nor the executive director of the Statewide Public Guardianship and Children's Representation Office. The term "professional" shall be limited to those persons who exercise direct supervision of individual wards under the direction of the public guardian.

Section 12. Section 744.7081, Florida Statutes, is amended to read:

744.7081 Access to records by Statewide Public Guardianship and Children's Representation Office; confidentiality.—Notwithstanding any

other provision of law to the contrary, any medical, financial, or mental health records held by an agency, or the court and its agencies, which are necessary to evaluate the public guardianship system, to assess the need for additional public guardianship, or to develop required reports, shall be provided to the Statewide Public Guardianship and Children's Representation Office upon that office's request. Any confidential or exempt information provided to the Statewide Public Guardianship and Children's Representation Office shall continue to be held confidential or exempt as otherwise provided by law. All records held by the Statewide Public Guardianship and Children's Representation Office relating to the medical, financial, or mental health of vulnerable adults as defined in chapter 415, persons with a developmental disability as defined in chapter 393, or persons with a mental illness as defined in chapter 394, shall be confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. 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, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 13. Subsection (6) of section 400.148, Florida Statutes, is amended to read:

400.148 Medicaid "Up-or-Out" Quality of Care Contract Management Program.—

(6) The agency shall, jointly with the Statewide Public Guardianship and Children's Representation Office, develop a system in the pilot project areas to identify Medicaid recipients who are residents of a participating nursing home or assisted living facility who have diminished ability to make their own decisions and who do not have relatives or family available to act as guardians in nursing homes listed on the Nursing Home Guide Watch List. The agency and the Statewide Public Guardianship and Children's Representation Office shall give such residents priority for publicly funded guardianship services.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5 through page 2, line 4, delete those lines and insert: "Public Guardianship and Children's Representation Office; renaming each guardian ad litem office as a Circuit Office of Children's Representation; providing for a study to determine the organizational placement of the Statewide Public Guardianship and Children's Representation Office and Circuit Children's Representation Offices with recommendations to the Legislature by a specified date; providing for county funding of program elements; amending s. 25.388, F.S.; including the Statewide Public Guardianship and Children's Representation Office as recipients of moneys from the Family Courts Trust Funds; amending s. 744.701, F.S.; redesignating the Public Guardianship Act as the "Public Guardianship and Children's Representation Act"; amending s. 744.702, F.S.; providing legislative intent with respect to children involved in dependency proceedings and incapacitated persons; amending s. 744.7021, F.S.; establishing the Statewide Public Guardianship and Children's Representation Office within the Department of Elderly Affairs; providing a term of office and qualifications for the executive director; providing for appointment of deputy directors; providing qualifications for deputy directors; requiring the Statewide Public Guardianship and Children's Representation Office to establish standards for the representation of children; requiring an annual report to the Legislature; requiring the office to establish a Circuit Office of Children's Representation in each judicial circuit; authorizing the circuit offices to provide and coordinate the provision of legal services for children when private representation is unavailable; requiring the circuit offices to provide representation for children in dependency proceedings; providing for appointing a lay representative and an attorney to represent the best interest of the child; authorizing the Statewide Public Guardianship and Children's Representation Office or the Circuit Offices of Children's Representation to establish a nonprofit organization to assist in funding the services provided to children; amending ss. 744.703, 744.706, 744.707, 744.708, 744.7081, 400.148, F.S., relating to the office of public guardian, budget, procedures and rules, reports and standards, access to records, and Medicaid contracts; conforming provisions to changes made by the act;

Senator Campbell moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (892602)—On page 8, line 8, after "processes" insert: ", and in the supervision and training of volunteers"

Amendment 1 as amended was adopted.

Senator Silver moved the following amendment which was adopted:

Amendment 2 (734580)(with title amendment)—On page 12, line 5; on page 15, line 15; on page 57, line 13; on page 58, line 24; and on page 59, line 26, after “Guardianship” insert: *and Children’s Representation*
And the title is amended as follows:

On page 2, lines 9 and 29; on page 6, line 31; and on page 7, line 5, after “Guardianship” insert: *and Children’s Representation*

Senator Burt moved the following amendments which were adopted:

Amendment 3 (050416)—On page 14, lines 21 and 22, delete those lines and insert: *additional evaluative needs of the child; for proceedings under this chapter, the guardian ad litem or the attorney for the child; by order of the*

Amendment 4 (270634)—On page 24, line 22, delete “(4)-(9)” and insert: *(5)-(10) (4)-(9)*

Senator Wise moved the following amendment which was adopted:

Amendment 5 (651798)—On page 54, line 12, after “other” insert: *licensed*

Senator Campbell moved the following amendment which was adopted:

Amendment 6 (260846)—On page 54, line 18, delete “20” and insert: *3*

Senator Burt moved the following amendment which was adopted:

Amendment 7 (104008)(with title amendment)—On page 59, between lines 29 and 30, insert:

Section 41. For purposes of incorporating the amendment to section 39.202, Florida Statutes, in references thereto, paragraph (f) of subsection (1) of section 39.3035, Florida Statutes, is reenacted to read:

39.3035 Child advocacy centers; standards; state funding.—

(1) In order to become eligible for a full membership in the Florida Network of Children’s Advocacy Centers, Inc., a child advocacy center in this state shall:

(f) Provide case tracking of child abuse cases seen through the center. A center shall also collect data on the number of child abuse cases seen at the center, by sex, race, age, and other relevant data; the number of cases referred for prosecution; and the number of cases referred for mental health therapy. Case records shall be subject to the confidentiality provisions of s. 39.202.

Section 42. For purposes of incorporating the amendment to section 39.202, Florida Statutes, in references thereto, subsection (2) of section 39.507, Florida Statutes, is reenacted to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(2) All hearings, except as provided in this section, shall be open to the public, and a person may not be excluded except on special order of the judge, who may close any hearing to the public upon determining that the public interest or the welfare of the child is best served by so doing. The parents or legal custodians shall be allowed to obtain discovery pursuant to the Florida Rules of Juvenile Procedure, provided such discovery does not violate the provisions of s. 39.202. Hearings involving more than one child may be held simultaneously when the children involved are related to each other or were involved in the same case. The child and the parents, caregivers, or legal custodians of the child may be examined separately and apart from each other.

Section 43. For purposes of incorporating the amendment to section 39.701, Florida Statutes, in references thereto, subsection (4) of section 63.052, Florida Statutes, is reenacted to read:

63.052 Guardians designated; proof of commitment.—

(4) If a minor is voluntarily surrendered to an adoption entity for subsequent adoption and the adoption does not become final within 180 days, the adoption entity must report to the court on the status of the minor and the court may at that time proceed under s. 39.701 or take action reasonably necessary to protect the best interest of the minor.

Section 44. For purposes of incorporating the amendment to section 39.402, Florida Statutes, in references thereto, subsection (20) of section 984.03, Florida Statutes, is reenacted to read:

984.03 Definitions.—When used in this chapter, the term:

(20) “Detention hearing” means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under s. 39.402, in dependency cases.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 7, after the semicolon (;) insert: reenacting ss. 39.3035, 39.202, F.S., relating to child advocacy centers and adjudicatory hearings, to incorporate the amendment to s. 39.202, F.S., in references thereto; reenacting s. 63.052, F.S., relating to the designation of guardians, to incorporate the amendment to 39.701, F.S., in references thereto; reenacting s. 984.03, F.S., relating to probation and community control, to incorporate the amendment to s. 39.402, F.S., in references thereto;

Senator Campbell moved the following amendments which were adopted:

Amendment 8 (345112)—On page 52, delete line 10 and insert:

(4) *The guardian ad litem, and the attorney if the child is going to be present in court, shall*

Amendment 9 (204614)—On page 13, lines 9-11, delete those lines and insert: *as provided in s. 39.502. The child has the right to attend court proceedings, but it is not mandatory for the child to do so unless the court finds that the appearance in court would be in the best interest of the child. The presence of the child may be excused by order of the court when presence would not be in the child’s best interest.*

Pursuant to Rule 4.19, **CS for CS for CS for SB 686** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 968—A bill to be entitled An act relating to the Florida Healthy Kids Corporation; allowing the corporation to establish and manage an operating fund; providing purposes of the fund; providing limitations on the cash balance; providing for reversion of moneys to the state upon the dissolution of the corporation; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (930484)** by the Committee on Governmental Oversight and Productivity was adopted.

Pursuant to Rule 4.19, **SB 968** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 996—A bill to be entitled An act relating to foster care; creating the “Road-to-Independence Act”; amending s. 409.145, F.S.; providing transition to self-sufficiency as a goal for older children who are likely to remain in foster care until 18 years of age; creating s. 409.1451, F.S.; directing the Department of Children and Family Services or its agents to administer a system of independent-living transition services; providing for the use of state foster care or federal funds to establish a continuum of independent-living transition services; providing for eligibility for the services; providing for services for foster children; specifying the eligibility and services for the pre-independent-living services; specifying the eligibility and services for the life-skills services; specifying the eligibility, services, and conditions for the subsi-

dized independent living services; providing for opportunities for participation in quality-of-life activities; providing for services for young adults formerly in foster care; specifying the services and eligibility for the aftercare-support services; specifying the services, eligibility, and award-issuance process and conditions for the Road-to-Independence Scholarship Program; providing for an appeals process; providing for department and program accountability; establishing an independent-living-services integration workgroup; providing workgroup membership and duties; providing rulemaking authority; amending s. 409.165, F.S.; conforming provisions relating to alternate care for children; amending ss. 239.117, 240.235, 240.35, F.S., relating to workforce development, university fees, and student fees; conforming provisions to changes made by the act with respect to the Road-to-Independence Scholarship; amending 409.903, F.S.; specifying that a child who is eligible for certain payments for medical assistance and related services includes a child who has been awarded a Road-to-Independence Scholarship; repealing ss. 409.145(3), 409.165(4), F.S., relating to services for youth age 18 and older and to the use of state foster-care funds to establish a continuum of services and an independent-living program; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 996** to **CS for HB 245**.

Pending further consideration of **CS for SB 996** as amended, on motion by Senator Saunders, by two-thirds vote **CS for HB 245** was withdrawn from the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for HB 245—A bill to be entitled An act relating to foster care; creating the “Road-to-Independence Act”; amending s. 409.145, F.S.; providing transition to self-sufficiency as a goal for older children who are likely to remain in foster care until 18 years of age; creating s. 409.1451, F.S.; directing the Department of Children and Family Services or its agents to administer a system of independent living transition services; providing for the use of state foster care or federal funds to establish a continuum of independent living transition services; providing for eligibility for the services; providing for services for foster children; specifying the eligibility and services for the pre-independent-living services; specifying the eligibility and services for the life skills services; specifying the eligibility, services, and conditions for the subsidized independent living services; providing for opportunities for participation in life skills activities; providing for services for young adults formerly in foster care; specifying the services and eligibility for the aftercare support services; specifying the services, eligibility, and awards process and conditions for the Road-to-Independence Scholarship Program; specifying the services, eligibility and conditions for the transitional support services; providing for payment directly to a licensed foster family or group care provider with whom a young adult continues to reside; providing that the young adult not be counted in licensing restrictions; providing for an appeals process; providing for department and program accountability; establishing an independent living services integration workgroup; providing workgroup membership and duties; requiring a report; providing department rulemaking authority; amending s. 409.165, F.S.; conforming provisions relating to alternate care for children; amending ss. 239.117, 240.235, and 240.35, F.S., relating to workforce development fees, university fees, and student fees; conforming provisions to changes made by the act with respect to the Road-to-Independence Scholarship; amending s. 409.903, F.S.; specifying that a child who is eligible for certain payments for medical assistance and related services includes a child who has been awarded a Road-to-Independence Scholarship; repealing ss. 409.145(3) and 409.165(4), F.S., relating to services for youth age 18 and older and to the use of state foster care funds to establish a continuum of services and an independent living program; restricting the use of certain funds appropriated to the Department of Children and Family Services for the purpose of funding s. 409.165, F.S., and as provided for in the Road-to-Independence Act pursuant to House Bill 245, or Senate bill 996 or similar legislation passed into law; providing an effective date.

—a companion measure, was substituted for **CS for SB 996** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 245** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 1016—A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring the Governor, in consultation with the Attorney General, to report by a date certain on the status of the tobacco settlement agreement and the formula for calculating the annual payments; requiring the Comptroller to request information from the tobacco industry which are used to calculate the annual payments and to verify such information; requiring the Comptroller to notify the Governor, the Senate, and the House of Representatives of any overpayment or underpayment; authorizing any refund of overpayment subject to approval by the Legislative Budget Commission; requiring the Comptroller to request the balance of any underpayment; directing the Attorney General to institute action to collect any unpaid underpayment; requiring the Auditor General to annually review the state’s process for verification of representations in order to confirm that settlement payments are being made in accordance with the settlement agreement, and to report to the Governor, the Legislature, and the Attorney General regarding such confirmation; providing for budget amendments and transfer of funds between agencies; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (073802)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (2) through (12) of section 569.21, Florida Statutes, are renumbered as subsections (3) through (13), respectively, and a new subsection (2) is added to that section to read:

569.21 Expenditure of tobacco settlement proceeds.—The following guidelines shall be applied to the expenditure of all funds paid to the State of Florida as a result of litigation entitled *The State of Florida et al. v. American Tobacco Company et al.*, Case #95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County:

(2) *The Governor, in consultation with the Attorney General, shall request information from the tobacco industry with respect to calculating the annual tobacco settlement payments. The Comptroller or Chief Financial Officer, in consultation with the Auditor General, shall verify whether the annual tobacco settlement payments received conform to the terms of the tobacco settlement. Such verification shall include, but not be limited to, applying the terms of the tobacco settlement to the information received from the tobacco industry and identifying inconsistencies in the calculation or information. The Comptroller or Chief Financial Officer may obtain contractual services necessary to analyze and verify the information received from the tobacco industry.*

(a) *If the Comptroller or Chief Financial Officer, in consultation with the Auditor General, determines that there has been an underpayment by a settling defendant pursuant to the tobacco settlement, the Comptroller or Chief Financial Officer shall notify the Governor, the Attorney General, the President of the Senate, and the Speaker of the House of Representatives of such underpayment.*

(b) *The Auditor General shall annually review the state’s process for verifying the annual tobacco settlement payments as provided in this section. The Auditor General shall annually report the results of such review to the President of the Senate, the Speaker of the House of Representatives, the Governor, the Attorney General, and the Comptroller or Chief Financial Officer.*

Section 2. *The Governor is authorized to submit a budget amendment to the Legislative Budget Commission to transfer funds from the Tobacco Settlement Clearing Trust Fund, or any of the agency Tobacco Settlement Trust Funds, to the appropriate trust funds of the Governor, Attorney General, and Comptroller or Chief Financial Officer to cover costs incurred to ensure that tobacco settlement receipts comport with the tobacco settlement. This section authorizes transfers between agencies, pursuant to the requirements of section 216.292(1)(a), Florida Statutes.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; prescribing duties of the Governor and other officers with respect to monitoring the revenues from the tobacco settlement; providing for verification of payment amounts; requiring reports; authorizing fund transfers to repay certain costs; providing an effective date.

Pursuant to Rule 4.19, **SB 1016** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 523** was withdrawn from the Committee on Children and Families.

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

HB 523—A bill to be entitled An act relating to relating to community human services infrastructure; amending s. 20.19, F.S.; including the state attorney and public defender among those persons who may be added to the membership of a local community alliance for human services; providing an effective date.

—a companion measure, was substituted for **SB 1050** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 523** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1178** was deferred.

On motion by Senator Peaden—

CS for SB 1272—A bill to be entitled An act relating to the determination and enforcement of obligations for child support; amending s. 61.046, F.S.; defining the term “national medical support notice”; amending s. 61.13, F.S.; requiring that the court issue an order for health care coverage for a minor child in a proceeding for dissolution of marriage rather than an order for health insurance; providing for enforcement of such an order through use of the national medical support notice; requiring the Department of Revenue to notify the obligor of withholding premium payments under the notice; providing a procedure under which the obligor may contest the withholding; providing procedures for enrolling a child in a group health plan; providing certain limitations on the amount of withholding allowed under a support order; repealing s. 61.1826(5), F.S., relating to performance reviews; amending ss. 61.14, 61.30, F.S.; requiring that the Department of Revenue seek modification of certain awards of child support; requiring that such modification be made without proof or showing of a change in circumstances; amending s. 409.2563, F.S.; defining term “financial affidavit”; providing for the administrative support order to withhold support from unemployment compensation benefits not to exceed 40 percent; authorizing the suspension or termination of an administrative support order; providing that the financial affidavit form is prescribed by the Department of Revenue; amending s. 409.25656, F.S.; providing a procedure for liquidating securities that are levied to satisfy an obligation for past due or overdue support; amending s. 409.25658, F.S.; providing for the use of unclaimed property to satisfy an obligation for past due support; amending s. 409.2576, F.S.; requiring that the Department of Revenue transmit a national medical support notice to an employee’s employer under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (283352)(with title amendment)—On page 8, between lines 4 and 5, insert:

Section 4. Paragraph (b) of subsection (2) of section 61.181, Florida Statutes, is amended to read:

61.181 Depository for alimony transactions, support, maintenance, and support payments; fees.—

(2)

(b)1. For the period of July 1, 1992, through June 30, ~~2003~~ 2002, the fee imposed in paragraph (a) shall be increased to 4 percent of the support payments which the party is obligated to pay, except that no fee shall be more than \$5.25. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be remitted monthly to the Clerk of the Court Child Support Enforcement Collection System Trust Fund administered by the department as provided in subparagraph 2. These funds shall be used exclusively for the development, implementation, and operation of the Clerk of the Court Child Support Enforcement Collection System to be operated by the depositories, including the automation of civil case information necessary for the State Case Registry. The department shall contract with the Florida Association of Court Clerks and the depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but not be limited to, the provision of on-line electronic transfer of information to the IV-D agency as otherwise required by this chapter. The department’s obligation to fund the automation of the depositories is limited to the state share of funds available in the Clerk of the Court Child Support Enforcement Collection System Trust Fund. Each depository created under this section shall fully participate in the Clerk of the Court Child Support Enforcement Collection System and transmit data in a readable format as required by the contract between the Florida Association of Court Clerks and the department.

2. ~~No later than December 31, 1996~~, Moneys to be remitted to the department by the depository shall be done daily by electronic funds transfer and calculated as follows:

a. For each support payment of less than \$33, 18.75 cents.

b. For each support payment between \$33 and \$140, an amount equal to 18.75 percent of the fee charged.

c. For each support payment in excess of \$140, 18.75 cents.

3. The fees established by this section shall be set forth and included in every order of support entered by a court of this state which requires payment to be made into the depository.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: amending s. 61.181, F.S.; continuing the increased fee charged to child support obligors by the depository;

Amendment 2 (965746)(with title amendment)—On page 8, between lines 6 and 7, insert:

Section 5. Subsection (1) of section 61.1826, Florida Statutes, is amended to read:

61.1826 Procurement of services for State Disbursement Unit and the non-Title IV-D component of the State Case Registry; contracts and cooperative agreements; penalties; withholding payment.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that the clerks of court play a vital role, as essential participants in the establishment, modification, collection, and enforcement of child support, in securing the health, safety, and welfare of the children of this state. The Legislature further finds and declares that:

(a) It is in the state’s best interest to preserve the essential role of the clerks of court in disbursing child support payments and maintaining official records of child support orders entered by the courts of this state.

(b) As official recordkeeper for matters relating to court-ordered child support, the clerks of court are necessary parties to obtaining, safeguarding, and providing child support payment and support order information.

(c) As provided by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the state must establish and operate a State Case Registry in full compliance with federal law by October 1, 1998, and a State Disbursement Unit by October 1, 1999.

(d) Noncompliance with federal law could result in a substantial loss of federal funds for the state's child support enforcement program and the temporary assistance for needy families welfare block grant.

(e) The potential loss of substantial federal funds poses a direct and immediate threat to the health, safety, and welfare of the children and citizens of the state and constitutes an emergency for purposes of s. 287.057(4)(a).

(f) The clerks of court maintain the official payment record of the court for amounts received, payments credited, arrearages owed, liens attached, and current mailing addresses of all parties, payor, obligor, and payee.

(g) The clerks of court have established a statewide Clerk of Court Child Support Enforcement Collection System for the automation of all payment processing using state and local government funds as provided under s. 61.181(2)(b)1.

(h) The Legislature acknowledges the improvements made by and the crucial role of the Clerk of the Court Child Support Enforcement Collection System in speeding payments to the children of Florida.

(i) There is no viable alternative to continuing the role of the clerks of court in collecting, safeguarding, and providing essential child support payment information.

For these reasons, the Legislature hereby directs the Department of Revenue, subject to the provisions of subsection (5) (6), to contract with the Florida Association of Court Clerks and each depository to perform duties with respect to the operation and maintenance of a State Disbursement Unit and the non-Title IV-D component of the State Case Registry as further provided by this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: amending s. 61.1826, F.S.; conforming to repeal of s. 61.1826(5), F.S.;

Amendment 3 (574330)(with title amendment)—On page 8, line 22 through page 17, line 15, delete those lines and insert:

Section 6. Paragraph (c) of subsection (14) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(14) DEPARTMENT OF REVENUE.—

(c) Proceedings for administrative child support orders.—~~Notwithstanding the provisions of s. 120.569 or s. 120.57 to the contrary,~~ In proceedings for the establishment of administrative support orders pursuant to s. 409.2563, final orders in cases referred by the Department of Revenue to the Division of Administrative Hearings shall be entered by the division's administrative law judge and transmitted to the Department of Revenue for filing and *rendering indexing*. The Department of Revenue has the right to seek judicial review *under s. 120.68* of a final order entered by an administrative law judge. Administrative support orders rendered pursuant to s. 409.2563 may be enforced pursuant to s. 120.69 or, alternatively, by any method prescribed by law for the enforcement of judicial support orders, except contempt.

Section 7. Subsection (3) of section 409.2557, Florida Statutes, is amended to read:

409.2557 State agency for administering child support enforcement program.—

(3) SPECIFIC RULEMAKING AUTHORITY.—The department has the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement all laws administered by the department in its capacity as the Title IV-D agency for this state including, but not limited to, the following:

(a) Background screening of department employees and applicants, including criminal records checks;

(b) Confidentiality and retention of department records; access to records; record requests;

(c) Department trust funds;

(d) Federal funding procedures;

(e) Agreements with law enforcement and other state agencies; National Crime Information Center (NCIC) access; Parent Locator Service access;

(f) Written agreements entered into between the department and support obligors in establishment, enforcement, and modification proceedings;

(g) Procurement of services by the department, pilot programs, and demonstration projects;

(h) Management of cases by the department involving any documentation or procedures required by federal or state law, including but not limited to, cooperation; review and adjustment; audits; interstate actions; diligent efforts for service of process;

(i) Department procedures for orders for genetic testing; subpoenas to establish, enforce, or modify orders; increasing the amount of monthly obligations to secure delinquent support; suspending or denying driver's and professional licenses and certificates; fishing and hunting license suspensions; suspending vehicle and vessel registrations; screening applicants for new or renewal licenses, registrations, or certificates; income deduction; credit reporting and accessing; tax refund intercepts; passport denials; liens; financial institution data matches; expedited procedures; medical support; and all other responsibilities of the department as required by state or federal law;

(j) Collection and disbursement of support and alimony payments by the department as required by federal law; collection of genetic testing costs and other costs awarded by the court;

(k) Report information to and receive information from other agencies and entities;

(l) Provide location services, including accessing from and reporting to federal and state agencies;

(m) Privatizing location, establishment, enforcement, modification, and other functions;

(n) State case registry;

(o) State disbursement unit; ~~and~~

(p) *Administrative proceedings to establish child-support obligations; and*

(q) ~~(p)~~ All other responsibilities of the department as required by state or federal law.

Section 8. Subsections (1), (2), (4), (6), (7), (8), (11), paragraph (c) of subsection (5), paragraph (d) of subsection (9), paragraph (b) of subsection (10), and paragraph (a) of subsection (13) of Section 409.2563, Florida Statutes, are amended to read:

409.2563 Pilot program for Administrative establishment of child support obligations.—

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

(a) "Administrative support order" means a final order rendered by or on behalf of the department pursuant to this section establishing or modifying the obligation of a noncustodial parent to contribute to the support and maintenance of his or her child or children, which may include provisions for monetary support, retroactive support, health care, and other elements of support pursuant to chapter 61.

(b) "Caretaker relative" has the same meaning ascribed in s. 414.0252(11).

(c) "Filed" means a document has been received and accepted for filing at the offices of the department by the clerk or any authorized deputy clerk of the department. The date of filing must be indicated on the face of the document by the clerk or deputy clerk.

(d) "Financial affidavit" means an affidavit or written declaration as provided by s. 92.525(2) which shows an individual's income, allowable

deductions, net income, and other information needed to calculate the child support guideline amount under s. 61.30

(e)(d) “Rendered” means that a signed written order is filed with the clerk or any deputy clerk of the department *and served on the respondent*. The date of filing must be indicated on the face of the order at the time of rendition.

(f)(e) “Title IV-D case” means a case or proceeding in which the department is providing child support services within the scope of Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

(g)(f) “Retroactive support” means a child support obligation established pursuant to s. 61.30(17).

Other terms used in this section have the meanings ascribed in ss. 61.046 and 409.2554.

(2) PURPOSE AND SCOPE.—

(a) It is not the Legislature’s intent to limit the jurisdiction of the circuit courts to hear and determine issues regarding child support. This section is intended to provide the department with an alternative procedure for establishing child support obligations in Title IV-D cases in a fair and expeditious manner when there is no court order of support.

(b) The administrative procedure set forth in this section concerns only the establishment of child support obligations. This section does not grant jurisdiction to the department or the Division of Administrative Hearings to hear or determine issues of dissolution of marriage, separation, alimony or spousal support, termination of parental rights, dependency, disputed paternity, award of or change of custody, or visitation. This paragraph notwithstanding, the department and the Division of Administrative Hearings may make findings of fact *that which* are necessary for a proper determination of a noncustodial parent’s support obligation as authorized by this section.

(c) If there is no support order for a child in a Title IV-D case whose paternity has been established or is presumed by law, the department may establish *the a* noncustodial parent’s child support obligation pursuant to this section, s. 61.30, and other relevant provisions of state law. The noncustodial parent’s obligation determined by the department may include any obligation to pay retroactive support and any obligation to provide for health care for a child, whether through insurance coverage, reimbursement of expenses, or both. The department may proceed on behalf of:

1. An applicant or recipient of public assistance, as provided by ss. 409.2561 and 409.2567;
2. A former recipient of public assistance, as provided by s. 409.2569;
3. An individual who has applied for services as provided by s. 409.2567;
4. Itself or the child, as provided by s. 409.2561; or
5. A state or local government of another state, as provided by chapter 88.

(d) Either parent, or a caretaker relative if applicable, may at any time file a civil action in a circuit court having jurisdiction and proper venue to determine the noncustodial parent’s child support obligations, if any. A support order issued by a circuit court prospectively supersedes an administrative support order rendered by the department.

(e) Pursuant to paragraph (b), neither the department nor the Division of Administrative Hearings have jurisdiction to award or change child custody or rights of parental contact. Either parent may at any time file a civil action in a circuit having jurisdiction and proper venue for a determination of child custody and rights of parental contact.

(f) The department shall terminate the administrative proceeding and file an action in circuit court to determine support if within 20 days after receipt of the initial notice the noncustodial parent requests in writing that the department proceed in circuit court or states in writing the noncustodial parent’s intention to address issues concerning custody or rights to parental contact in court and if within 10 days after receipt of the department’s petition and waiver of service the noncustodial parent signs and returns the waiver of service form to the department.

(g) The notices and orders issued by the department under this section shall be written clearly and plainly.

(4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER.—To commence a proceeding under this section, the department shall provide to the custodial parent and serve the noncustodial parent with a notice of proceeding to establish administrative support order and a blank financial affidavit form. The notice must state:

(a) The names of both parents, the name of the caretaker relative, if any, and the name and date of birth of the child or children;

(b) That the department intends to establish an administrative support order as defined in this section;

(c) That both parents must submit a completed financial affidavit to the department within 20 days after receiving the notice, as provided by paragraph (13)(a);

(d) That both parents, or parent and caretaker relative if applicable, are required to furnish to the department information regarding their identities and locations, as provided by paragraph (13)(b);

(e) That both parents, or parent and caretaker relative if applicable, are required to promptly notify the department of any change in their mailing addresses to ensure receipt of all subsequent pleadings, notices, and orders, as provided by paragraph (13)(c);

(f) That the department will calculate support obligations based on the child support guidelines in s. 61.30 and using all available information, as provided by paragraph (5)(a), and will incorporate such obligations into a proposed administrative support order;

(g) That the department will send by regular mail to both parents, or parent and caretaker relative if applicable, a copy of the proposed administrative support order, the department’s child support worksheet, and any financial affidavits submitted by a parent or prepared by the department;

(h) That the noncustodial parent may file a request for a hearing in writing within 20 days after the date of mailing or other service of the proposed administrative support order or will be deemed to have waived the right to request a hearing;

(i) That if the noncustodial parent does not file a timely request for hearing after service of the proposed administrative support order, the department will issue an administrative support order that incorporates the findings of the proposed administrative support order, and will send by regular mail a copy of the administrative support order to both parents, or parent and caretaker relative if applicable;

(j) That after an administrative support order is rendered, the department will file a copy of the order with the clerk of the circuit court;

(k) That after an administrative support order is rendered, the department may enforce the administrative support order by any lawful means; and

(l) That either parent, or caretaker relative if applicable, may file at any time a civil action in a circuit court having jurisdiction and proper venue to determine the noncustodial parent’s child support obligations, if any, and that a support order issued by a circuit court supersedes an administrative support order rendered by the department;—

(m) That, neither the department nor the Division of Administrative Hearings have jurisdiction to award or change child custody or rights of parental contact and these issues may only be addressed in circuit court. That if the noncustodial parent has issues regarding child custody or right of parental contact or requests to proceed in circuit court the noncustodial parent may request in writing that the department proceed in circuit court to determine support. That the noncustodial parent must make such request in writing within 20 days after receipt of the initial notice. That upon such request the department shall send the noncustodial parent by regular mail a copy of the department’s petition and waiver of service form. That the noncustodial parent must sign and return the waiver of service form, within 10 days of receipt of the petition at which time the department shall terminate the administrative proceeding and file an action in circuit court to determine support;

(n) That if the noncustodial parent files an action in circuit court and serves the department with a copy of the petition within 20 days after being served notice under this subsection, the administrative process ends without prejudice and the action must proceed in circuit court;

(o) Information provided by the Office of State Courts Administrator concerning the availability and location of self-help programs for those who wish to file an action in circuit court but who cannot afford an attorney.

The department may serve the notice of proceeding to establish administrative support order by certified mail, *restricted delivery*, return receipt requested. Alternatively, the department may serve the notice by any means permitted for service of process in a civil action. For purposes of this section, an authorized employee of the department may serve the notice and execute an affidavit of service. Service by certified mail is completed when the certified mail is received or refused by the addressee or by an authorized agent as designated by the addressee in writing. If a person other than the addressee signs the return receipt, the department shall attempt to reach the addressee by telephone to confirm whether the notice was received, and the department shall document any telephonic communications. If someone other than the addressee signs the return receipt, the addressee does not respond to the notice, and the department is unable to confirm that the addressee has received the notice, service is not completed and the department shall attempt to have the addressee served personally. The department shall provide the custodial parent or caretaker relative with a copy of the notice by regular mail to the last known address of the custodial parent or caretaker.

(5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

(c) The department shall provide a notice of rights with the proposed administrative support order, which notice must inform the noncustodial parent that:

1. The noncustodial parent may, within 20 days after the date of mailing or other service of the proposed administrative support order, request a hearing by filing a written request for hearing in a form and manner specified by the department;
2. If the noncustodial parent files a timely request for a hearing, the case shall be transferred to the Division of Administrative Hearings, which shall conduct further proceedings and may enter an administrative support order;
3. A noncustodial parent who fails to file a timely request for a hearing shall be deemed to have waived the right to a hearing, and the department may render an administrative support order pursuant to paragraph (7)(b);
4. The noncustodial parent may consent in writing to entry of an administrative support order without a hearing;
5. The noncustodial parent may, within 10 days after the date of mailing or other service of the proposed administrative support order, contact a department representative, at the address or telephone number specified in the notice, to informally discuss the proposed administrative support order and, if informal discussions are requested *timely and held within a reasonable time*, the time for requesting a hearing will be extended until 10 days after the department notifies the noncustodial parent that the informal discussions have been concluded; and
6. If an administrative support order that establishes a noncustodial parent's support obligation is rendered, whether after a hearing or without a hearing, the department may enforce the administrative support order by any lawful means.

(6) HEARING.—If the noncustodial parent files a timely request for hearing, the department shall refer the hearing request to the Division of Administrative Hearings. Unless otherwise provided by this section, chapter 120 and the ~~division's~~ Uniform Rules of Procedure shall govern the conduct of the proceedings. The administrative law judge shall consider all available and admissible information and any presumptions that apply as provided by paragraph (5)(a). ~~A designated employee or other representative of the department, who need not be an attorney, may represent the department as a qualified representative at the hearing.~~

(7) ADMINISTRATIVE SUPPORT ORDER.—

(a) If a hearing is held, notwithstanding ss. 120.569 and 120.57, the administrative law judge of the Division of Administrative Hearings shall issue an administrative support order, or a final order denying an administrative support order, which constitutes final agency action by the department. The Division of Administrative Hearings shall transmit any such order to the department for filing and ~~rendering indexing~~.

(b) If the noncustodial parent does not file a timely request for a hearing, the noncustodial parent will be deemed to have waived the right to request a hearing.

(c) If the noncustodial parent waives the right to a hearing, or consents in writing to the entry of an order without a hearing, the department may render an administrative support order.

(d) The department shall send by regular mail a copy of the administrative support order, or the final order denying an administrative support order, to both parents, or a parent and caretaker relative if applicable. The noncustodial parent shall be notified of the right to seek judicial review of the administrative support order in accordance with s. 120.68.

(e) An administrative support order must comply with s. 61.30. The department, ~~after consultation with the Division of Administrative Hearings and the chief judge of the circuit in which the pilot program is located~~, shall develop a standard form or forms for administrative support orders. An administrative support order must provide and state findings, if applicable, concerning:

1. The full name and date of birth of the child or children;
2. The name of the noncustodial parent and the custodial parent or caretaker relative;
3. The noncustodial parent's duty and ability to provide support;
4. The amount of the noncustodial parent's monthly support obligation ~~for each child~~;
5. Any obligation to pay retroactive support;
6. The noncustodial parent's obligation to provide for the health care needs of each child, whether through insurance coverage, contribution towards the cost of insurance coverage, payment or reimbursement of health care expenses for the child, or any combination thereof;
7. The beginning date of any required monthly payments and health care coverage;
8. That all support payments ordered must be paid to the Florida State Disbursement Unit as provided by s. 61.1824;
9. That the parents, or caretaker relative if applicable, must file with the department when the administrative support order is rendered, if they have not already done so, and update as appropriate the information required pursuant to paragraph (13)(b); ~~and~~
10. That both parents, or parent and caretaker relative if applicable, are required to promptly notify the department of any change in their mailing addresses pursuant to paragraph (13)(c); ~~and~~.

11. *That if the noncustodial parent receives unemployment compensation benefits, the payor shall withhold, and transmit to the department, 40 percent of the benefits for payment of support, not to exceed the amount owed.*

An income deduction order as provided by s. 61.1301 must be incorporated into the administrative support order or, if not incorporated into the administrative support order, the department or the Division of Administrative Hearings shall render a separate income deduction order.

(8) FILING WITH THE CLERK OF THE CIRCUIT COURT; OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.—The department shall file with the clerk of the circuit court a certified copy of an administrative support order rendered under this section. The depository operated pursuant to s. 61.181 for the county where the administrative support order has been filed shall:

- (a) Act as the official recordkeeper for payments required under the administrative support order;

- (b) Establish and maintain the necessary payment accounts;
- (c) Upon a delinquency, initiate the judgment by operation of law procedure as provided by s. 61.14(6); and
- (d) Perform all other duties required of a depository with respect to a support order entered by a court of this state.
- (9) COLLECTION ACTION; ENFORCEMENT.—
- (d) An administrative support order rendered under this section *has the same force and effect as court order and*, until modified by the department or superseded by a court order, may be enforced:
1. In any manner permitted for enforcement of a support order issued by a court of this state, except for contempt; or
 2. Pursuant to s. 120.69.

(10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.—

(b) An administrative support order rendered under this section *has the same force and effect as a court order and* may be enforced by any circuit court in the same manner as a support order issued by the court, except for contempt. If the circuit court issues its own order *enforcing based on* the administrative support order, the circuit court may enforce its own order by contempt. *The presumption of ability to pay and purge contempt established in s. 61.14(5)(a) applies to an administrative support order that includes a finding of present ability to pay.* Enforcement by the court, without any change by the court in the support obligations established in the administrative support order, does not supersede the administrative support order or affect the department's authority to modify the administrative support order as provided by subsection (12). *An order by the court that requires the noncustodial parent to make periodic payments on arrearages does not constitute a change in the support obligations established in the administrative support order and does not supersede the administrative order.*

(11) EFFECTIVENESS OF ADMINISTRATIVE SUPPORT ORDER.—An administrative support order rendered under this section *has the same force and effect as a court order and* remains in effect until modified by the department, vacated on appeal, or superseded by a subsequent court order. If the department closes a Title IV-D case in which an administrative support order has been rendered:

- (a) The department shall take no further action to enforce or modify the administrative support order;
- (b) The administrative support order remains effective until superseded by a subsequent court order; and
- (c) The administrative support order may be enforced by the obligee by any means provided by law.

(12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.—If it has not been superseded by a subsequent court order, the department may modify, *suspend, or terminate* an administrative support order in a Title IV-D case prospectively, subject to the requirements for modifications of judicial support orders established in chapters 61 and 409, by following the same procedures set forth in this section for establishing an administrative support order, as applicable.

(13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO ADDRESS OF RECORD.—In all proceedings pursuant to this section:

- (a) The noncustodial parent and custodial parent must execute and furnish to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, a financial affidavit in the form prescribed by the department ~~in the Florida Family Law Rules of Procedure~~. An updated financial affidavit must be executed and furnished to the department at the inception of each proceeding to modify an administrative support order. Caretaker relatives are not required to furnish financial affidavits.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26 through page 2, line 3, delete those lines and insert: circumstances; amending s. 120.80, F.S.; providing for immediate judicial review of any such order; providing for enforcement; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules for administrative proceedings to establish child-support obligations; amending s. 409.2563, F.S.; revising the pilot program for administrative establishment of child-support obligations; providing process for optional pursuit of judicial process; providing for the withholding of a specified portion of a noncustodial parent's unemployment compensation; authorizing the Division of Administrative Hearings to render an income deduction order; providing for the use of a financial affidavit as prescribed by the department; amending s.

Pursuant to Rule 4.19, **CS for SB 1272** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 570** was deferred.

On motion by Senator Posey—

CS for CS for SB 1412—A bill to be entitled An act relating to prescription drug claim identification cards; creating s. 627.4302, F.S.; providing intent; requiring certain entities to provide a benefits identification card by a date certain for specified purposes under certain circumstances; providing an exception; specifying required information; providing for temporary stickers for annual renewal cards; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1412** was placed on the calendar of Bills on Third Reading.

On motion by Senator Meek—

SB 1378—A bill to be entitled An act relating to health care union organizing activities; prohibiting inclusion of certain activities in determinations of nursing home staffing standards; prohibiting inclusion of certain salaries or expenses as allowable Medicaid costs; providing a limited exclusion from application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1378** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1632** was deferred.

On motion by Senator Sullivan—

CS for SB 1766—A bill to be entitled An act relating to “Shaken-Baby Syndrome”; requiring hospitals and birth centers to give to new parents informational brochures concerning the dangers of shaking babies and young children; requiring the Department of Health to prepare the brochures; prescribing the contents of the brochures; providing that a cause of action against specified persons and entities does not accrue as a result of failure to give this information; providing for a fine for violations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1766** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1808** was deferred.

On motion by Senator Wasserman Schultz—

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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2002** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz—

CS for SB 1178—A bill to be entitled An act relating to temporary parking permits for disabled persons; amending s. 320.0848, F.S.; reducing the term of such permits; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1178** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 2080—A bill to be entitled An act relating to the County Article V Trust Fund; amending s. 318.21, Florida Statutes; increasing the amount of certain civil penalties to be paid into the trust fund; decreasing the amount of such penalties to be paid into the General Revenue Fund; transferring moneys from the General Revenue Fund to the County Article V Trust Fund in fiscal year 2001-2002; amending s. 25.402, F.S.; revising a cross-reference; providing for appropriation of funds for the operation of trial courts; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2080** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Senator Pruitt moved the following amendments which were adopted:

Amendment 1 (152256)—On page 3, lines 1-27, delete those lines and insert:

(a) *“Religious institution” means an organization owning and operating an established physical place for worship at which nonprofit religious services and activities are regularly conducted. The term also includes:*

1. *Any nonprofit corporation the sole purpose of which is to provide free transportation services to religious institution members, their families, and other religious institution attendees.*
2. *Any nonprofit state, district, or other governing or administrative office the function of which is to assist or regulate the customary activities of religious institutions.*
3. *Any nonprofit corporation that owns and operates a television station in this state of which at least 90 percent of the programming consists of programs of a religious nature and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the public.*
4. *Any nonprofit corporation the primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge.*
5. *Any nonprofit corporation the sole or primary purpose of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administrative assistance, or missionary assistance for a religious institution, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.*

Amendment 2 (300214)(with title amendment)—On page 9, line 1 through page 10, line 27, delete those lines and insert:

Section 7. Paragraph (j) of subsection (3) and subsections (4) and (6) of section 337.401, Florida Statutes, are amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(3)

(j) Pursuant to this paragraph, any county or municipality may by ordinance change either its election made on or before July 16, 2001, under paragraph (c) or an election made under this paragraph.

1.a. If a municipality or charter county changes its election under this paragraph in order to exercise its authority to require and collect permit fees in accordance with this subsection, the rate of the local communications services tax imposed by such jurisdiction pursuant to ss. 202.19 and 202.20 shall automatically be reduced by the sum of 0.12 percent plus the percentage, if any, by which such rate was increased pursuant to sub-subparagraph (c)1.b.

b. If a municipality or charter county changes its election under this paragraph in order to discontinue requiring and collecting permit fees, the rate of the local communications services tax imposed by such jurisdiction pursuant to ss. 202.19 and 202.20 may be increased by ordinance or resolution by an amount not to exceed 0.24 percent.

2.a. If a noncharter county changes its election under this paragraph in order to exercise its authority to require and collect permit fees in accordance with this subsection, the rate of the local communications services tax imposed by such jurisdiction pursuant to ss. 202.19 and 202.20 shall automatically be reduced by the percentage, if any, by which such rate was increased pursuant to sub-subparagraph (c)2.b.

b. If a noncharter county changes its election under this paragraph in order to discontinue requiring and collecting permit fees, the rate of the local communications services tax imposed by such jurisdiction pursuant to ss. 202.19 and 202.20 may be increased by ordinance or resolution by an amount not to exceed 0.24 percent.

3.a. Any change of election pursuant to this paragraph and any tax rate change resulting from such change of election shall be subject to the notice requirements of s. 202.21; however, no such change of election shall become effective prior to January 1, 2003.

b. Any county or municipality changing its election under this paragraph in order to exercise its authority to require and collect permit fees shall, in addition to complying with the notice requirements under s. 202.21, provide to all dealers providing communications services in such jurisdiction written notice of such change of election by ~~September~~ ~~July~~ 1 immediately preceding the January 1 on which such change of election becomes effective. For purposes of this sub-subparagraph, dealers providing communications services in such jurisdiction shall include every dealer reporting tax to such jurisdiction pursuant to s. 202.37 on the return required under s. 202.27 to be filed on or before the 20th day of May immediately preceding the January 1 on which such change of election becomes effective.

(4) As used in this section, “communications services” and “dealer” have ~~has~~ the same meaning ascribed in chapter 202, and “cable service” has the same meaning ascribed in 47 U.S.C. s. 522, as amended.

And the title is amended as follows:

On page 1, line 29, after the first semicolon (;) insert: defining the term “dealer”;

Amendment 3 (611226)(with title amendment)—On page 20, between lines 19 and 20, insert:

Section 15. *By February 1, 2003, the Department of Revenue shall submit a report on the accuracy of the state communications services tax rates and the local communication services tax conversion rates imposed, authorized, or administered pursuant to section 202.20, Florida Statutes, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall include a comparison of the available collection data and updated estimates for the sales tax portion, the gross receipts tax portion, and each local government’s local portion of the communications services tax.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 12, following the semicolon (;) insert: requiring the Department of Revenue to submit a report on the accuracy of the 2001 state communications services tax rates and local communications services tax conversion rates to the Governor, the President of the Senate, and the Speaker of the House of Representatives;

Pursuant to Rule 4.19, **CS for CS for SB 1610** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

SB 1802—A bill to be entitled An act relating to assessment of damages after dissolution of an injunction; amending s. 60.07, F.S.; providing that in the absence of an injunction bond, any damages recovered on dissolution of the injunction shall be subject to the waiver of sovereign immunity limits as described in s. 768.28, F.S.; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (695706)—On page 1, lines 23 and 24, delete “under s. 768.28”

Pursuant to Rule 4.19, **SB 1802** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

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

revising provisions governing remedies and actions for damages; amending s. 376.3079, F.S.; revising the definition of the term “third-party liability”; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendments which were adopted:

Amendment 1 (092520)—On page 4, lines 21 and 22, delete “upon request.” and insert: *within 60 days after receiving a written request from the nearby property owner, delivered by certified mail and specifying a return address for receipt of documents:*

Amendment 2 (030398)—On page 5, lines 11 and 12, delete those lines and insert: *real property owner’s immunity provided in subparagraph (a)1., only as to the nearby real*

Amendment 3 (600990)(with title amendment)—On page 18, between lines 3 and 4, insert:

Section 6. Paragraph (b) of subsection (4) of section 376.30781, Florida Statutes, is amended:

376.30781 Partial tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(4) To claim the credit, each applicant must apply to the Department of Environmental Protection for an allocation of the \$2 million annual credit by December 31 on a form developed by the Department of Environmental Protection in cooperation with the Department of Revenue. The form shall include an affidavit from each applicant certifying that all information contained in the application, including all records of costs incurred and claimed in the tax credit application, are true and correct. If the application is submitted pursuant to subparagraph (2)(a)2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of partial tax credits must be accomplished on a first-come, first-served basis based upon the date complete applications are received by the Division of Waste Management. An applicant shall submit only one application per site per year. To be eligible for a tax credit the applicant must:

(b) Have paid all deductibles pursuant to s. 376.3078(3)(f) s-376.3078(3)(d) for eligible drycleaning-solvent-cleanup program sites.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: amending s. 376.30781, F.S.; conforming a statutory cross-reference;

Pursuant to Rule 4.19, **CS for SB 2124** 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 1654** and **CS for SB 992** was deferred.

On motion by Senator Saunders—

CS for SB 1632—A bill to be entitled An act relating to Medicaid fraud; amending s. 409.920, F.S.; clarifying duties of the Attorney General with respect to the statewide program to control Medicaid fraud; authorizing the Attorney General to seek civil remedies under the Florida False Claims Act and other laws; authorizing the Attorney General to refer certain cases of overpayment and suspected abusive activities to the Agency for Health Care Administration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1632** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1426** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1014** was deferred.

SENATOR CONSTANTINE PRESIDING

On motion by Senator Sanderson—

SB 994—A bill to be entitled An act relating to offenses involving vehicle identification numbers; amending s. 319.33, F.S.; revising the elements of the offense of possessing, selling or offering for sale, concealing, or disposing of a motor vehicle or mobile home, or major component part thereof, on which the motor number or vehicle identification number has been destroyed, removed, covered, altered, or defaced; providing penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 994** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Wasserman Schultz—

CS for SB 934—A bill to be entitled An act relating to sexual offenses; amending s. 794.011, F.S.; authorizing the use of certain expert witnesses when mental defect or mental incapacity of the victim is at issue; amending s. 825.1025, F.S.; providing for the crime of lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person; providing penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the criminal punishment code; revising punishment for lewd or lascivious battery upon an elderly person or disabled adult; providing an effective date.

—was read the second time by title.

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 1 (231666)(with title amendment)—On page 1, lines 18-23, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 2-5, delete those lines and insert: An act relating to sexual offenses; amending

Pursuant to Rule 4.19, **CS for SB 934** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 720—A bill to be entitled An act relating to probate and trusts; amending s. 660.46, F.S.; conforming provisions relating to trust accountings; amending s. 731.303, F.S.; clarifying existing law regarding representation in the administration of a trust; providing for retroactive

application; amending s. 732.2075, F.S.; revising provisions governing sources from which the elective share is payable; amending s. 733.107, F.S.; clarifying the circumstances which shift the burden of proof in certain proceedings contesting the validity of a will; amending s. 733.702, F.S.; clarifying the limitation on the presentation of claims; creating s. 737.115, F.S.; requiring certain trusts to contain a specified notice; creating s. 737.116, F.S.; providing for the establishment of trusts for an animal; creating s. 737.209, F.S.; codifying existing law regarding improper distribution in the administration of a trust; amending s. 737.303, F.S.; making conforming amendments relating to the duty to inform and with respect to trust accounting; creating s. 737.3035, F.S.; codifying trust accounting principles; amending s. 737.307, F.S.; requiring notice of statute of limitations to trust beneficiaries; providing for application; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (484502)(with title amendment)—On page 8, between lines 19 and 20, insert:

Section 2. Subsection (8) of section 732.2025, Florida Statutes, is amended to read:

732.2025 Definitions.—As used in ss. 732.2025-732.2155, the term:

(8) “Qualifying special needs trust” or “supplemental needs trust” means a trust established for *an ill or a disabled surviving spouse* with court approval before or after a decedent’s death, if, commencing on the decedent’s death:

(a) The income and principal are distributable to or for the benefit of the spouse for life in the discretion of one or more trustees less than half of whom are ineligible family trustees. For purposes of this paragraph, ineligible family trustees include the decedent’s grandparents and any descendants of the decedent’s grandparents who are not also descendants of the surviving spouse; and

(b) During the spouse’s life, no person other than the spouse has the power to distribute income or principal to anyone other than the spouse.

The requirement for court approval shall not apply if the aggregate value of all property in all qualifying special needs trusts for the spouse is less than \$100,000. For purposes of this subsection, value is determined on the “applicable valuation date” as defined in s. 732.2095(1)(a).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: amending s. 732.2025, F.S.; redefining the term “qualifying special needs trust” established for a surviving spouse;

Pursuant to Rule 4.19, **CS for SB 720** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 512** was deferred.

On motion by Senator Campbell—

CS for SB 402—A bill to be entitled An act relating to pharmacy; providing a short title; defining the term “pharmaceutical adverse incident” and requiring that such incidents be reported to the Department of Health; providing exceptions; requiring the department to review reported incidents to determine whether the incidents potentially involve conduct by a health care practitioner that is subject to disciplinary action; specifying that any disciplinary action shall be taken by the appropriate board; providing for the adoption of rules and forms; providing effective dates.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (251298)—On page 2, line 7, after “Code” insert: *or health care practitioners working in facilities that administer medications dispensed from those pharmacies*

Pursuant to Rule 4.19, **CS for SB 402** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 408—A bill to be entitled An act relating to investigations by the office of inspector general of the Department of Corrections; amending s. 944.31, F.S.; providing for designation of certain persons as law enforcement officers and authorizing such persons to have certain powers and duties; amending s. 944.35, F.S.; revising provisions relating to use of force by department employees and responsibility and guidelines for investigations thereof; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (663194)—On page 2, line 30 through page 3, line 3, delete those lines and insert: ~~detain~~ *any prisoner of or visitor to a state correctional institution person for a violation violations of the criminal laws of the state involving an offense classified as a felony that occurs on property owned or leased by the department and may arrest offenders who have escaped or absconded from custody. Persons designated as law enforcement officers have the authority to arrest with or without a warrant a staff member of the department, including any contract employee, for a violation of the criminal laws of the state involving an offense classified as a felony under this chapter or chapter 893 on property owned or leased by the department. A person designated as a law enforcement officer under this section may make arrests of persons against whom arrest warrants have been issued, including arrests of offenders who have escaped or absconded from custody. Such detention shall be made only on properties owned*

Pursuant to Rule 4.19, **CS for SB 408** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 302—A bill to be entitled An act relating to the detention of juveniles; amending s. 985.215, F.S.; 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; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (894564)(with title amendment)—On page 5, lines 5-9, delete those lines and insert: *present danger to himself or herself, in which case the court may detain the child up to 72 hours through a written order. The written order must specify the need for continued detention and the benefits to be derived by the child. A child who*

And the title is amended as follows:

On page 1, line 7, delete “or to the community”

Pursuant to Rule 4.19, **CS for SB 302** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB's 90 and 554** was placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

CS for SB 100—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; revising fees for the registration of certain trucks, trailers, and motorcycles and for tag transfers to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

—was read the second time by title.

Senator Mitchell moved the following amendment which failed:

Amendment 1 (450806)(with title amendment)—On page 1, line 22, after “transfer” insert: *and each temporary tag*

And the title is amended as follows:

On page 1, line 6, after “transfers” insert: *and temporary tags*

Pursuant to Rule 4.19, **CS for SB 100** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 416** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sanderson—

CS for SB 666—A bill to be entitled An act relating to firefighter pensions and police pensions; amending s. 175.032, F.S.; providing an extended time period for the recognition of supplemental firefighter plans; amending s. 185.02, F.S.; providing an extended time period for the recognition of supplemental police pension plans; amending ss. 175.061, 185.05, F.S.; prescribing guidelines for selecting trustees for closed plans of specified size; amending ss. 175.371, 185.38, F.S.; providing for termination of plans after distribution of final benefit payments; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 666** to **CS for HB 683**.

Pending further consideration of **CS for SB 666** as amended, on motion by Senator Sanderson, by two-thirds vote **CS for HB 683** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs.

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

CS for HB 683—A bill to be entitled An act relating to firefighter pensions and police pensions; amending s. 175.032, F.S.; providing an extended time period for the recognition of supplemental firefighter plans; amending s. 185.02, F.S.; providing an extended time period for the recognition of supplemental police pension plans; amending ss. 175.061 and 185.05, F.S.; prescribing guidelines for selecting trustees for closed plans of specified size; amending ss. 175.371 and 185.38, F.S.; providing for termination of plans after distribution of final benefit payments; amending s. 175.351, F.S.; providing an extended time period for the recognition of certain municipal supplemental pension plans; amending s. 185.35, F.S.; providing an extended time period for the recognition of certain municipal supplemental pension plans; providing an effective date.

—a companion measure, was substituted for **CS for SB 666** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 683** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 594**, **CS for CS for SB 638**, **CS for CS for SB 668**, **CS for CS for SB 1150**, **CS for SB 1264**, **CS for SB 1510**, **CS for CS for SB 1588**, **SB 1600**, **CS for SJR 580**, **CS for CS for SB 1974**, **SB 2274** and **CS for SB 1706** were withdrawn from the Committee on Rules and Calendar; **CS for CS for SB 640**, **CS for SB 948**, **CS for CS for SB 1144**, **CS for SB 1226** and **CS for SB 734** and **CS for SB 2288** were withdrawn from the Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 676**, **CS for SB 1620**, **CS for SB 1882** and **CS for SB 1132** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 1580**, **CS for SB 1718** and **CS for SB 1862** were withdrawn from the Committee on Children and Families; **CS for SB 1626** and **CS for SB's 1906 and 550** were withdrawn from the Committee on Judiciary; **CS for SB 1860** and **CS for SB 1570** were withdrawn from the Committee on Education; **SB 2096** was withdrawn from the Committee on Transportation; **SB 2128**, **SB 2538** and **SB 2086** were withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs; **CS for SB 1464** was withdrawn from the Committee on Governmental Oversight and Productivity; and **CS for SB 2302** was withdrawn from the Committee on Commerce and Economic Opportunities.

RECESS

On motion by Senator Lee, the Senate recessed at 12:00 noon to reconvene at 1:15 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:21 p.m. A quorum present—38:

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

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for SB 1236** was deferred.

SENATOR POSEY PRESIDING

On motion by Senator Laurent—

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

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2178** was placed on the calendar of Bills on Third Reading.

SB 1794—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; authorizing certain additional counties to apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones or communities for certain purposes; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (021980)(with title amendment)—On page 2, between lines 13 and 14, insert:

Section 2. Section 290.00675, Florida Statutes, is amended to read:

290.00675 Amendment of certain enterprise zone boundaries.—Notwithstanding any other provisions of law, the Office of Tourism, Trade, and Economic Development may amend the boundaries of an area designated as an enterprise zone in a community having a population of 235,000 persons but less than 255,000 245,000, so long as the area does not increase the overall size of the zone by greater than 50 25 acres and the increased area is contiguous to the existing enterprise zone. The amendment must also be consistent with the limitations imposed by s. 290.0055 upon establishment of the enterprise zone.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 290.00675, F.S.; revising the criteria for the Office of Tourism, Trade,

and Economic Development to amend the boundaries of certain enterprise zones;

Senator Silver moved the following amendment:

Amendment 2 (112540)(with title amendment)—On page 2, between lines 13 and 14, insert:

Section 2. Subsection (9) is added to section 290.007, Florida Statutes, to read:

290.007 State incentives available in enterprise zones.—The following incentives are provided by the state to encourage the revitalization of enterprise zones:

(9)(a) *Notwithstanding any law to the contrary, a target industry business, as defined in s. 288.106 which relocates within the same county into an enterprise zone as a fee simple owner or as a tenant with a minimum initial term of 10 years is a “qualified target industry business” and a “new business” as those terms are defined in s. 288.106 and is eligible for the tax refund program for qualified target industry businesses provided under s. 288.106 if:*

1. *The target industry business creates a minimum of 500 jobs, as defined in s. 288.106, in the enterprise zone within 3 years after the date the business is certified as a qualified target industry business; and*
2. *Each job created in the enterprise zone by the business is a net new job.*

(b) *Not more than one target industry business within the county may participate in the tax-refund program for qualified target industry businesses at any one time. In reviewing and evaluating applications for approval under this subsection, the Office of Tourism, Trade, and Economic Development shall consider, in the following order of priority, how the state’s resources are leveraged, as applicable, in federal empowerment zones, federal enterprise communities, and Front Porch Florida Communities.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 290.007, F.S.; providing for a target industry business that relocates into an enterprise zone to be eligible for certain tax-refund programs; providing requirements for eligibility; providing that no more than one business is eligible at any one time;

On motion by Senator Geller, further consideration of **SB 1794** with pending **Amendment 2 (112540)** was deferred.

Consideration of **SB 1574** was deferred.

On motion by Senator Pruitt—

CS for CS for SB 1136—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Protect Florida Whales specialty license plate; providing an annual use fee; providing for the distribution of the use fees received; 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.

—was read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1 (401808)—On page 1, line 29, after “universities” insert: *and historically black colleges*

Pursuant to Rule 4.19, **CS for CS for SB 1136** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 614—A bill to be entitled An act relating to disabled veterans; amending s. 320.0842, F.S.; authorizing certain veterans to apply for a license plate with the wheelchair symbol; providing for an annual use fee; providing for the disposition of the fee; providing for the collection of other required taxes, charges, and fees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 614** was placed on the calendar of Bills on Third Reading.

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

On motion by Senator Burt—

CS for SB 468—A bill to be entitled An act relating to public records; amending s. 717.117, F.S.; providing an exemption from public-records requirements for social security numbers and financial account numbers contained in unclaimed property reports held by the Department of Banking and Finance; providing exceptions to the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 468** to **HB 543**.

Pending further consideration of **CS for SB 468** as amended, on motion by Senator Burt, by two-thirds vote **HB 543** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Burt—

HB 543—A bill to be entitled An act relating to public records; amending s. 717.117, F.S.; creating an exemption from public records requirements for social security numbers and financial account numbers contained in reports required under s. 717.117, F.S., held by the Department of Banking and Finance; providing exceptions to the exemption; providing retroactive application of the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 468** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 543** was placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

CS for SB 680—A bill to be entitled An act relating to Silver Springs and Rainbow Springs; permitting fishing from the shore of the Rainbow River; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 680** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

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

721.15, F.S.; revising a provision with respect to assessments for common expenses; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2252** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for SB 570—A bill to be entitled An act relating to prostitution; creating a community-based pilot program entitled Project HOPE in Pinellas County and Hillsborough County; specifying that certain persons convicted of violations of s. 796.07, F.S., are required to participate in the program; providing for program components; providing an appropriation; requiring the Office of Program Policy Analysis and Government Accountability to review Project HOPE and report its findings and recommendations to the Legislature; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 570** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

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

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1808** was placed on the calendar of Bills on Third Reading.

On motion by Senator Futch, by two-thirds vote **HB 835** was withdrawn from the Committee on Criminal Justice.

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

HB 835—A bill to be entitled An act relating to theft; creating s. 812.0145, F.S.; providing enhanced criminal penalties for theft from persons age 65 or older; requiring restitution and community service for theft from said persons; amending s. 921.0022, F.S.; adding specified felonies to the Criminal Punishment Code offense severity ranking chart; providing an effective date.

—a companion measure, was substituted for **CS for SB 992** and by two-thirds vote read the second time by title.

Senator Futch moved the following amendment which was adopted:

Amendment 1 (892130)—On page 1, lines 25 and 26, delete those lines and insert: *from a person 65 years of age or older, when he or she knows or has reason to believe that the victim was 65 years of age or older,*

Pursuant to Rule 4.19, **HB 835** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 1014—A bill to be entitled An act relating to offenses involving a hoax bomb; amending s. 790.165, F.S.; increasing the penalty imposed against a person who manufactures, possesses, sells, or delivers a hoax bomb or who mails or sends a hoax bomb to another person; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1014** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for SB 1236—A bill to be entitled An act relating to the equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; providing that a liability incurred by forgery or unauthorized signature is a nonmarital liability; providing for attorney's fees and costs; providing an exception; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (043396)—On page 1, lines 27-31, delete those lines and insert: upon by the parties as a marital asset; and

4. Assets and liabilities excluded from marital assets and liabilities by valid written agreement of the parties, and assets acquired and liabilities incurred in exchange for such assets and liabilities; and-

Pursuant to Rule 4.19, **CS for SB 1236** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 1794—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; authorizing certain additional counties to apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones or communities for certain purposes; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (112540)** by Senator Silver was withdrawn.

Pursuant to Rule 4.19, **SB 1794** as amended was ordered engrossed and placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

SENATOR POSEY PRESIDING

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lawson, by two-thirds vote **SB 1354, SB 1370, SB 1372, SB 1948** and **SB 2284** were withdrawn from the committees of reference and further consideration.

On motion by Senator Pruitt, by two-thirds vote **SB 126, SB 298** and **SB 1146** were withdrawn from the committees of reference and further consideration.

THE PRESIDENT PRESIDING

MOTIONS

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 14.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 13, 2002: CS for SB 2238, CS for SB 924, CS for SB 544, CS for SB 268, SB 2094, CS for SB 1916, CS for SB 1066, CS for CS for CS for SB 386, CS for SB 288, SB 968, CS for CS for CS for SB 686, CS for SB 996, SB 1016, SB 1050, CS for SB 1178, CS for SB 1272, CS for SB 570, CS for CS for SB 1412, SB 1378, CS for SB 1632, CS for SB 1766, CS for SB 1808, CS for CS for SB 2002, SB 2080, CS for CS for SB 1610, SB 1802, CS for SB 2124, CS for CS for SB 1654, CS for SB 992, CS for SB 1426, SB 1014, SB 994, CS for SB 934, CS for SB 720, CS for CS for SB 512,

CS for SB 402, CS for SB 408, CS for SB 302, CS for CS for CS for SB's 90 and 554, CS for SB 100, CS for CS for SB 416, CS for SB 666, CS for SB 1236, CS for SB 2178, SB 1794, SB 1574, CS for CS for SB 1136, CS for SB 614, CS for SJR 940, CS for SB 468, CS for SB 680, CS for SB 2252

Respectfully submitted,
Tom Lee, Chairman

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 1552

The Committee on Education recommends the following pass: SB 2278

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 1822

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: CS for SB 2132 with 1 amendment, CS for SB 2134, CS for SB 2276 with 1 amendment

The Committee on Finance and Taxation recommends the following pass: CS for SB 624, SB 1194, CS for SB 1768, CS for SB 1770

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2 with 2 amendments, SB 144 with 1 amendment, CS for SB 1214 with 8 amendments, CS for SB 2244, SB 2296 with 1 amendment, SB 2344 with 1 amendment

The Committee on Regulated Industries recommends the following pass: CS for SB 1692

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

The Committee on Children and Families recommends the following pass: CS for SB 1760 with 2 amendments

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2058 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1662

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1138 with 3 amendments, CS for SB 1316 with 1 amendment

The bills were referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 2268 with 1 amendment

The bill was referred to the Committee on Children and Families under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 942

The Committee on Judiciary recommends the following pass: CS for SB 2248 with 1 amendment

The Committee on Transportation recommends the following pass: SB 2332, SB 2454 with 1 amendment

The Committee on Regulated Industries recommends the following pass: CS for SB 1142 with 3 amendments

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 Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 1868

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Education recommends the following pass: SB 2360

The bill was referred to the Committee on Ethics and Elections under the original reference.

The Committee on Natural Resources recommends the following pass: CS for SB 1664 with 2 amendments

The Committee on Transportation recommends the following pass: SB 1034

The Committee on Regulated Industries recommends the following pass: CS for SB 2198

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

The Committee on Education recommends the following pass: SB 2204

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

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 2084, SB 2522 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 1514 with 1 amendment

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 2554, SB 2564

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1122 with 1 amendment, CS for SB 1560 with 1 amendment, SB 1600, SB 1762, CS for SB 2430

The bills 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 the following pass: CS for SB 2256

The Committee on Children and Families recommends the following pass: CS for SB 1312 with 5 amendments

The Committee on Criminal Justice recommends the following pass: SB 380 with 2 amendments, SB 2410 with 1 amendment

The Committee on Finance and Taxation recommends the following pass: CS for CS for SB 1374, CS for SB 1688, CS for SB 2208

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for CS for SB 1656, CS for SB 1772

The Committee on Judiciary recommends the following pass: CS for SB 712 with 1 amendment, CS for SB 1184 with 1 amendment, CS for SB 1774 with 1 amendment, SB 2144 with 1 amendment, CS for SB 2300

The Committee on Transportation recommends the following pass: CS for CS for HB 457 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Finance and Taxation recommends a committee substitute for the following: CS for SB 2072

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 590, SB 1132, SB 1346, CS for SB 1562

The Committee on Judiciary recommends a committee substitute for the following: SB 1474

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1070

The Committee on Transportation recommends a committee substitute for the following: SB 480

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 Banking and Insurance recommends a committee substitute for the following: CS for SB 2062

The Committee on Children and Families recommends a committee substitute for the following: CS for SB 1518

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: CS for SB 1250, CS for SB's 1286, 1134 and 1008, SB 1980, CS for SB 2030

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

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1144

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 1996

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 Finance and Taxation recommends a committee substitute for the following: SB 2164

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2416

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2084

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 Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1208

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1422

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 Regulated Industries recommends a committee substitute for the following: Senate Bills 1298 and 1326

The bills with committee substitute attached were referred to the Committee on Education under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends committee substitutes for the following: SB 2046, CS for SB 2224

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

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 2414, SB 2430

The Committee on Ethics and Elections recommends committee substitutes for the following: SB 1350, SB 2250

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: CS for SB 2254, SB 2368

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1670, SB 2350

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 2304

The Committee on Children and Families recommends a committee substitute for the following: SB 1684

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2404

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: Senate Bills 1906 and 550

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2292

The Committee on Health, Aging and Long-Term Care recommends committee substitutes for the following: SB 1690, SB 2326

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2008

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

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2472

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

The Committee on Finance and Taxation recommends a committee substitute for the following: SJR 2494

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 644, SB 648, SB 650, SB 658, SB 660, SB 980, SB 982, SB 2370

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 a committee substitute for the following: SB 2214

The bill with committee substitute attached was placed on the calendar.

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on General Government recommends the following pass: CS for SB 398, CS for SB 1734, SB 2076

The Appropriations Subcommittee on Health and Human Services recommends the following pass: SB 412, CS for SB 1714 with 1 amendment

The Appropriations Subcommittee on Public Safety and Judiciary recommends the following pass: SB 1154, SB 1164 with 2 amendments, CS for SB 1648

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

The Appropriations Subcommittee on Education recommends committee substitutes for the following: SB 1094, CS for SB 1156, CS for SB 1314, CS for SB 1550, CS for SB 1586, SB 2202

The Appropriations Subcommittee on General Government recommends committee substitutes for the following: CS for SB 990, SB 1186

The Appropriations Subcommittee on Health and Human Services recommends committee substitutes for the following: CS for CS for SB 316, CS for SB 360, CS for SB 1490

The Appropriations Subcommittee on Public Safety and Judiciary recommends committee substitutes for the following: CS for SB 438, CS for CS for SB 1024, CS for SB 1738

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Education recommends that the Senate confirm the following appointments made by the Governor: F. Philip Handy for a term ending June 30, 2005, as a member of the **Florida Board of Education**; James D. Corbin for a term ending June 30, 2004, as a member of the **Board of Trustees, Florida A & M University**; William Andrew Haggard for a term ending June 30, 2003, as a member of the **Board of Trustees, Florida State University**; and Haywood Patrick Swygert for a term ending June 30, 2004, as a member of the **Board of Trustees, University of South Florida**.

The Committee on Health, Aging and Long-Term Care recommends that the Senate confirm the following appointment made by the Governor: Terry F. White as **Secretary of Elderly Affairs**, to serve at the pleasure of the Governor.

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

SR 2638—Not referenced.

SR 2640 was adopted March 6.

SR 2642—Not referenced.

By Senator Geller—

SB 2644—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale or the City of Plantation; providing for annexation of the unincorporated area known as "Broadview Park"; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2646—A bill to be entitled An act relating to the Devil's Garden Water Control District, Hendry County; amending chapter 2000-481, Laws of Florida; amending boundaries of the district; providing for the equal assessment of benefits for all lands in the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Clary—

SB 2648—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; revising applicability of the act and civil service system; adding, repealing, and revising definitions; revising the method of selecting the board; repealing provisions relating to hiring outside the civil service act, the certification of payrolls, the classified pay plan, efficiency standards, registers, filling vacancies, extraordinary appointments, workers' compensation, reports of actions, reduction in force, service in the armed forces, leave, physical and mental examinations, and enforcement; revising provisions relating to rule-making and to disciplinary actions; providing that probationary employees are at-will employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Lee—

SB 2650—A bill to be entitled An act relating to the City of Lakeland; amending section (9)(b) of Division I of Part I of the amended Charter of the City of Lakeland, 1976; revising the type of utility the sale, lease, or disposal of which must be authorized by a two-thirds vote of the city's electors; defining "electric utility" for the purpose of the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2652-2654—Not referenced.

By Senator Geller—

SB 2656—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the towns of Davie and Pembroke Park and the cities of Fort Lauderdale, Plantation, Hollywood, Cooper City, Lauderdale Lakes, North Lauderdale, Oakland Park, Coral Springs, Margate, Coconut Creek, Deerfield Beach, and Pompano Beach; providing for annexation of specified unincorporated lands; providing for conditions of annexation; providing for referendums; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2658—A bill to be entitled An act relating to Broward County; amending chapter 91-355, Laws of Florida; amending the Broward County Natural Resource Protection Act; clarifying legislative intent; amending the definition of pollution; authorizing the Board of County Commissioners of Broward County to issue notices of hearing to assess a civil penalty for violations that are substantial transgressions from the requirements of the code; amending provisions relating to the issuance of citations; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Crist, Miller, Lee and Sebesta—

SB 2660—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to revise the benefit reduction provisions of said Pension Fund; providing for the purchase of creditable service in said Pension Fund for past service; amending chapter 23559 (1945), Laws of Florida, as amended, relating to the General Employees' Pension Plan of the City of Tampa; revising the benefits to certain firefighters and police officers; providing that the act is contingent upon execution of a contract between the city and the bargaining agents for the firefighters and police officers; providing that active firefighters and police officers must execute certain supplemental contract provisions by a date certain or forever be barred from doing so; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Transportation; and Senator Sebesta—

CS for SB 480—A bill to be entitled An act relating to transportation; creating s. 339.141, F.S.; creating the Regional Transportation Act; providing purpose; creating the Regional Transportation Advisory Council; providing for membership, meetings, and staff support of the council; providing duties; requiring recommendation of regional and local transportation projects; providing criteria and procedures for approval of Regional Transportation Grant projects and Local Transportation Management Grant projects; providing for approval by the Legislature; providing for funding; providing for allocation of funds from the State Transportation Trust Fund; limiting application of certain requirements; creating s. 339.142, F.S.; providing for designation as a regional transportation corridor; providing a definition; designating certain infrastructure

as such corridors; authorizing the council to designate such corridors; creating s. 339.143, F.S.; creating the Regional Transportation Grant program; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; creating s. 339.144, F.S.; creating the Local Transportation Management Grant program; providing legislative findings and purpose; providing criteria for program eligibility; providing for recommendation by the council and approval by the Legislature; providing for funding; amending s. 339.08, F.S.; revising provisions relating to use of moneys in the State Transportation Trust Fund; conforming references; amending s. 339.1371, F.S.; eliminating provisions for funding the Transportation Outreach Program; amending s. 215.211, F.S.; providing for use of certain proceeds to fund projects selected under the act; repealing s. 339.137, F.S., relating to the Transportation Outreach Program; repealing s. 339.2817, F.S., relating to the County Incentive Grant Program; repealing s. 339.2818, F.S., relating to the Small County Outreach Program; providing an effective date.

By the Committee on Governmental Oversight and Productivity—

CS for SB 590—A bill to be entitled An act relating to retirement contribution rates; amending ss. 121.052, 121.055, 121.071, F.S.; providing for upgrading service; revising the contribution rates for the Elected Officers' Class, Senior Management Service Class, Regular Class, Special Risk Class, and Special Risk Administrative Support Class; recognizing excess actuarial assets of the Florida Retirement System Trust Fund to fund costs and rate reductions; amending s. 11 of ch. 2001-235, Laws of Florida; reducing the amount of excess actuarial assets to be recognized to offset costs; amending s. 121.571, F.S.; delaying the administrative and educational contribution for the optional retirement program; repealing s. 23 of ch. 2000-169, Laws of Florida, relating to increased retirement contribution rates; requiring participating employers to pay additional contribution for implementation of the optional program and educational services for the retirement system; providing a declaration of important state interest; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Garcia—

CS for SB 644—A bill to be entitled An act relating to public records; amending s. 440.125, F.S.; creating a public-records exemption for medical records and medical reports of an injured employee and an injured employee's identifying information contained in medical bills provided to the Agency for Health Care Administration and the Department of Education; providing for exceptions to the exemption; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Garcia—

CS for SB 648—A bill to be entitled An act relating to public records; creating an exemption from the requirements of s. 119.07(1), F.S., and Art. I, s. 24(a) of the State Constitution; providing that information that would identify a person or firm in peer-review records are confidential and exempt; creating an exemption from the requirements of s. 286.011, F.S., and Art. I, s. 24(b) of the State Constitution; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Garcia—

CS for SB 650—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for information contained in the paternity registry maintained by the Department of Health; providing for future legislative review and repeal; providing findings of public necessity; providing a contingent effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Garcia—

CS for SB 658—A bill to be entitled An act relating to public records and meetings; amending s. 240.2996, Florida Statutes; expanding an exemption for university direct-support organizations, including meetings and records of community college direct-support organizations; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Garcia—

CS for SB 660—A bill to be entitled An act relating to public records and meetings; creating s. 246.1112, Florida Statutes; exempting certain investigatory records of the Commission for Independent Education; providing for future review and repeal; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Brown-Waite and Crist—

CS for SB 980—A bill to be entitled An act relating to public-records exemptions; exempting personal identifying information contained in armed forces military-separation forms from disclosure when held by the clerk of the court; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Brown-Waite and Crist—

CS for SB 982—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating a public-records exemption for building plans, blueprints, schematic drawings, or diagrams of specified facilities owned or operated by an agency; providing for retroactive application to existing records; providing for future review and repeal; providing an effective date.

By the Committee on Regulated Industries; and Senator Campbell—

CS for SB 1070—A bill to be entitled An act relating to telecommunications service; amending s. 364.02, F.S.; defining the terms “digital subscriber line service” or “xDSL”; amending s. 364.051, F.S.; providing that certain price regulation and oversight by the Florida Public Service Commission applies to intrastate digital subscriber line service; requiring the commission to study the deployment of digital subscriber line service; requiring a report to the Legislature; providing an effective date.

By the Committee on Governmental Oversight and Productivity—

CS for SB 1132—A bill to be entitled An act relating to state procurement; amending s. 61.1826, F.S.; conforming a cross-reference to changes made by this act; amending s. 120.57, F.S.; specifying the manner in which notice of decisions and intended decisions concerning procurement are to be provided; defining the term “electronically post”; providing procedures applicable to a protest of a contract solicitation or award; specifying the type of notice that starts the time for filing a notice of protest; providing that state holidays are not included in the time for filing a notice of protest; specifying the types of submissions that may be considered in a protest; clarifying and conforming provisions; amending ss. 283.32, 283.33, 283.34, 283.35, F.S.; conforming the sections to changes made by the act; conforming a cross-reference; amending s. 287.001, F.S.; clarifying legislative intent with respect to state procurement; amending s. 287.012, F.S.; revising definitions; defining additional terms; amending s. 287.017, F.S.; eliminating the requirement for annual adjustments of purchasing categories; amending 287.022, F.S.; conforming a cross-reference to changes made by the act; amending ss. 287.032, 287.042, F.S.; revising the purpose, duties, and functions of the Department of Management Services; clarifying and conforming provisions; providing procedures for the listing of commodities and services

offered by certain nonprofit agencies organized pursuant to ch. 413, F.S.; providing that eligible users may purchase from state term contracts; providing that the protest bond amount shall be a specified percentage of the estimated contract amount; providing that official bank checks may be accepted in lieu of a bond; providing for prevailing party’s attorney’s fees; requiring the department to develop procedures for issuing solicitations, requests for information, and requests for quotes; prescribing the manner in which solicitations are to be noticed; providing an exception for the 10-day notice requirement for solicitations; requiring the department to develop procedures for electronic posting; requiring the department to develop methods for conducting question-and-answer sessions regarding solicitations; providing that the Office of Supplier Diversity may consult with the department regarding solicitation distribution procedures; providing that rules may be distributed to agencies via an electronic medium; requiring written documentation of certain agency decisions; eliminating the department’s responsibilities for the management of state surplus property; amending s. 287.045, F.S., relating to the procurement of products and materials with recycled content; clarifying and conforming provisions; amending s. 287.056, F.S.; specifying entities that are required or permitted to purchase from purchasing agreements and state term contracts; providing for use of a request for quote to obtain pricing or services information; amending s. 287.057, F.S.; clarifying and conforming provisions; revising requirements for solicitations; providing for question-and-answer sessions regarding solicitations; providing requirements for emergency procurements; providing that agency purchases from certain existing contracts are exempt from competitive-solicitation requirements; providing requirements for single-source procurement; conforming cross-references to changes made by the act; providing requirements for contract renewal; clarifying that exceptional purchase contracts may not be renewed; providing requirements for persons appointed to evaluate proposals and replies and to negotiate contracts; prohibiting certain persons or entities from receiving contracts; specifying the entities responsible for developing an on-line procurement system; amending s. 287.0572, F.S.; clarifying and conforming provisions; requiring that the cost of all state contracts be evaluated by present-value methodology; amending s. 287.058, F.S.; revising provisions relating to renewal which must be contained in a contract; clarifying that exceptional purchase contracts may not be renewed; conforming cross-references to changes made by the act; amending s. 287.059, F.S.; clarifying and conforming provisions; amending s. 287.0595, F.S.; revising requirements for the Department of Environmental Protection with respect to contracts for pollution response; clarifying and conforming provisions; repealing s. 287.073, F.S., relating to the procurement of information technology resources; amending s. 287.0731, F.S.; revising requirements for a team for contract negotiations; amending ss. 287.0822, 287.084, 287.087, 287.093, 287.09451, F.S., relating to procurement of beef and pork, preference for state businesses and businesses with drug-free-workplace programs, minority business enterprises, and the Office of Supplier Diversity; clarifying and conforming provisions to changes made by the act; repealing s. 287.121, F.S., relating to assistance by the Department of Legal Affairs; amending ss. 287.133, 287.134, F.S., relating to prohibitions on the transaction of business with certain entities convicted of public-entity crimes and entities that have engaged in discrimination; clarifying and conforming provisions; amending s. 287.1345, F.S., relating to the surcharge on users of state term contracts; authorizing the Department of Management Services to collect surcharges from eligible users; amending s. 373.610, F.S.; clarifying that the provision applies to contractors; amending s. 373.611, F.S.; providing that water management districts may contract to limit damages recoverable from certain entities during procurement; amending ss. 394.457, 394.47865, 402.73, 408.045, 445.024, 455.2177, F.S., relating to the power to contract by the Department of Children and Family Services, the Agency for Health Care Administration, the Regional Work Force Boards, and the Department of Business and Professional Regulation and their power to privatize and procure; conforming cross-references; clarifying and conforming provisions; amending s. 413.036, F.S.; providing that ch. 287, F.S., does not apply to purchases made from certain nonprofit agencies; specifying provisions required to be contained in certain state procurement contracts; providing an effective date.

By the Committees on Criminal Justice; Governmental Oversight and Productivity; and Senators Garcia and Crist—

CS for CS for SB 1144—A bill to be entitled An act relating to security of public buildings; amending s. 20.201, F.S.; creating the Capi-

to Police within the Department of Law Enforcement; transferring the powers, duties, and functions of the Division of Capitol Police relating to security within the Capitol Complex from the Department of Management Services to the Department of Law Enforcement; creating s. 281.01, F.S.; defining the Capitol Complex; amending s. 281.02, F.S.; providing for powers and duties of the Department of Management Services with regard to firesafety and security responsibilities; amending s. 281.03, F.S.; providing for collection and retention of certain reports by the Department of Management Services; repealing s. 281.04, F.S., relating to arrest procedures of the Florida Capitol Police; repealing s. 281.05, F.S., relating to ex officio agents of the Florida Capitol Police; amending s. 281.06, F.S.; allowing contracts with the Department of Law Enforcement; authorizing the Department of Management Services to contract with counties, municipalities, or private security agencies to maintain the security of certain public premises; amending s. 281.07, F.S.; providing for adoption of parking regulations of the Department of Management Services; amending s. 281.08, F.S.; providing for the procurement of equipment by the Department of Management Services; creating s. 943.60, F.S., to define the Capitol Complex; creating s. 943.601, F.S.; providing for the preservation of legislative powers; limiting the authority of the Department of Law Enforcement to impede such powers; providing a duty of the Capitol Police to ensure such legislative powers as requested by a presiding officer of the Legislature; creating s. 943.61, F.S.; creating and providing for the powers, duties, and functions of the Capitol Police; providing that the Capitol Police shall serve the needs of both the legislative and executive branches of state government; prohibiting the taking of resources of, or the decreasing of appropriations to, the Capitol Police without the approval of the Governor and the Legislative Budget Commission; requiring the development and approval of security plans; requiring consultation with the Governor, members of the Cabinet, and the presiding officers of the Legislature in the development of such plans; requiring biennial approval of such plans; authorizing the implementation of unapproved plans in times of emergency; establishing other powers and duties of the Capitol Police; establishing standards for officers of the Capitol Police; limiting authority of the Capitol Police with respect to certain legislative personnel and facilities; creating s. 943.611, F.S.; providing for the nomination and approval of the director of the Capitol Police; providing that the director serves at the pleasure of the executive director of the Department of Law Enforcement; requiring periodic reappointment and approval of the director; creating s. 943.62, F.S.; providing for investigations by the Capitol Police; creating s. 943.63, F.S.; providing that persons arrested by the Capitol Police shall be delivered to the sheriff; creating s. 943.64, F.S.; providing that certain law enforcement officers may serve as ex officio agents of the Capitol Police; creating s. 943.66, F.S.; authorizing the Capitol Police to enforce certain rules of the Department of Management Services; creating s. 943.67, F.S.; providing for the procurement of equipment by the Department of Law Enforcement; renumbering and amending s. 281.20, F.S., relating to the security of the Governor and other specified persons; amending ss. 287.17 and 288.816, F.S.; correcting cross-references, to conform; providing for a security inventory, contingent upon an appropriation; providing effective dates.

By the Committee on Governmental Oversight and Productivity; and Senators Geller and Smith—

CS for SB 1208—A bill to be entitled An act prescribing death benefits for dependents and beneficiaries of a law enforcement, correctional, or correctional probation officer or firefighter; amending ss. 112.19, 112.191, F.S.; increasing specified death benefits; providing for periodic adjustments to the amount of such benefits; providing for the state to waive specified vocational-technical, undergraduate, and postgraduate educational expenses for spouses and children at certain public educational institutions under specified circumstances; declaring the Legislature's intent that the act fulfills an important state interest; providing an effective date.

By the Committees on Health, Aging and Long-Term Care; Education; and Senator Miller—

CS for 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 Committees on Health, Aging and Long-Term Care; Banking and Insurance; and Senators Latvala, King, Peadar and Campbell—

CS for CS for SB's 1286, 1134 and 1008—A bill to be entitled An act relating to health insurance; providing legislative findings and legislative intent; defining terms; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; authorizing the Agency for Health Care Administration and the Department of Insurance to adopt rules; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.410, F.S.; requiring that certain group certificates for health insurance coverage be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate-filing requirements; providing alternative rate-filing requirements for insurers having fewer than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6475, F.S.; revising criteria for reinsuring individuals under an individual health reinsurance program; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.667, F.S.; deleting an exception to an extension-of-benefits application provision for out-of-state group policies; amending s. 627.6692, F.S.; extending a time period for premium payment for continuation of coverage; amending s. 627.6699, F.S.; redefining terms; allowing carriers to separate the experience of small-employer groups having fewer than two employees; authorizing certain small employers to enroll with alternate carriers under certain circumstances; revising certain criteria of the small-employer health reinsurance program; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and flexible health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small-employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to flexible benefit policies under certain circumstances; amending s. 627.6425, F.S.; revising provisions permitting an insurer to nonrenew or discontinue coverage; authorizing offering or delivering flexible benefit policies or contracts to certain employers; providing requirements for benefits in flexible benefit policies or contracts for small employers; amending s. 627.911, F.S.; including health maintenance organizations under certain information-reporting requirements; amending s. 627.9175, F.S.; revising health insurance reporting requirements for insurers; amending s. 627.9403, F.S.; clarifying application of exceptions to certain long-term-care insurance policy requirements for certain limited-benefit policies; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate-filing requirements for organizations having fewer than a specified number of subscribers; amending s. 641.3111, F.S.; revising

extension-of-benefits requirements for group health maintenance contracts; providing an effective date.

By the Committee on Regulated Industries; and Senators Geller and Silver—

CS for SB's 1298 and 1326—A bill to be entitled An act relating to video lotteries; amending s. 24.103, F.S.; providing definitions; amending s. 24.105, F.S.; providing powers and duties of the Department of the Lottery pertaining to video lottery games; creating s. 24.125, F.S.; providing for the adoption of rules; creating s. 24.126, F.S.; prohibiting certain persons from playing video lottery games; providing penalties; creating s. 24.127, F.S.; providing requirements for the operation of video lottery games; providing penalties; providing for the adoption of rules; providing for the distribution of proceeds from such games; creating s. 24.128, F.S.; providing for the licensure of video lottery terminal vendors; creating s. 24.129, F.S.; prohibiting certain local zoning ordinances; creating s. 24.130, F.S.; providing requirements for video lottery terminals; creating s. 24.131, F.S.; requiring video lottery terminal vendors to establish training programs for employees who service such terminals; requiring departmental approval of such programs; providing certification requirements for such employees; providing for the adoption of rules; creating s. 24.132, F.S.; providing guidelines for the administration of the Video Lottery Purse Trust Fund; providing for the adoption of rules; creating s. 24.133, F.S., relating to the distribution of funds from the Video Lottery Thoroughbred Trust Fund; requiring certain uses of distributed funds; creating s. 24.134, F.S.; requiring operators of facilities where video lottery games are conducted to post certain warning signs and print warnings on daily racing programs regarding compulsive gambling; amending s. 212.02, F.S.; excluding video lottery terminals from the definition of "coin-operated amusement machine" for purposes of the sales and use tax; requiring the establishment of a compulsive gambling program; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Futch—

CS for SB 1346—A bill to be entitled An act relating to retirement; creating the "Officer Malcolm Thompson Act"; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; providing for reemployment of retired deputy sheriffs and firefighters or paramedics; amending ss. 175.191, 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.071, F.S.; providing an effective date.

By the Committee on Ethics and Elections; and Senator Sanderson—

CS for SB 1350—A bill to be entitled An act relating to political contributions; amending s. 106.08, F.S.; clarifying requirements for soliciting and accepting charitable contributions; reenacting a prohibition against indirect campaign contributions; providing an effective date.

By the Committee on Regulated Industries; and Senator Garcia—

CS for SB 1422—A bill to be entitled An act relating to thoroughbred horse racing; amending s. 550.09515, F.S.; revising provisions governing the payment of thoroughbred horse taxes; amending s. 550.5251, F.S.; revising provisions governing thoroughbred racing permits; amending s. 550.334, F.S.; revising criteria for substitutions in quarter horse races; providing for retroactive application; providing an effective date.

By the Committee on Judiciary; and Senator Sanderson—

CS for SB 1474—A bill to be entitled An act relating to attorney's fees; amending s. 287.059, F.S.; providing specific limitations on the payment, negotiation, or collection of attorney's fees by private counsel for work performed on behalf of the state or any agency thereof; prohibiting a contract or settlement agreement that authorizes or permits payment, negotiation, or collection by private counsel in excess of a specified amount for work performed in a single case on behalf of the state or an agency thereof; authorizing the Governor, a Cabinet member, or the Attorney General to approve a higher maximum fee under certain circumstances; requiring that a higher maximum fee is subject to certain requirements for notice, review, and objection; providing an effective date.

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

CS for CS for SB 1518—A bill to be entitled An act relating to adoption; amending ss. 63.039, 63.082, 63.085, 63.089, F.S.; amending conditions pertaining to fraud or duress; amending s. 63.0423, F.S.; revising the period within which a motion for a termination of parental rights pending adoption must be filed; amending s. 63.062, F.S.; revising requirements for notifying a father of an impending adoption; amending s. 63.082, F.S.; revising requirements relating to interviews preceding consent to adoption; revising the time period for revocation of an adoption; revising certain notice requirements; amending s. 63.085, F.S.; revising the period for an adoption entity to make certain disclosures to a person seeking to place a minor; conforming notice requirements to changes made by the act; amending s. 63.088, F.S.; revising the period in which to begin procedures to locate certain parties to an adoption; revising inquiry and search procedures that the court must follow, by including persons listed in the paternity registry; amending ss. 63.102, 63.122, F.S.; providing that a plea for termination of parental rights and for adoption may be combined in a single petition and considered by the court during a single hearing if the adoption is by a stepparent or a relative within the third degree and the parent whose rights are to be terminated has executed a consent; amending ss. 63.089, 63.142, 63.182, F.S.; revising the period for filing a motion to void a judgment terminating parental rights pending adoption; amending s. 63.165, F.S.; requiring the Department of Children and Family Services to maintain a paternity registry within the state registry of adoption information; providing duties of registrants and the department; providing a penalty; providing use and admissibility of registry information; providing for a fee; providing rulemaking authority; providing applicability of the act; amending s. 63.172, F.S.; eliminating an exception for rights of inheritance with respect to the effect of a judgment of adoption; amending s. 63.182, F.S.; revising the statute of repose; amending s. 63.192, F.S.; providing for a court to recognize a foreign judgment concerning an adoption upon a finding that the foreign order is authentic; providing that such finding entitles the adoptee to a certificate of foreign birth; repealing s. 63.185, F.S., relating to a residency requirement; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Education; and Senator Villalobos—

CS for 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. 240.323, 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; providing findings of public necessity; providing an effective date.

By the Committee on Regulated Industries; and Senator Campbell—

CS for SB 1670—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 550.334, F.S.; revising criteria for substitutions in quarter horse races; providing an effective date.

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

CS for SB 1684—A bill to be entitled An act relating to fatherhood, parenting, and family issues; expressing legislative findings and intent; creating the Commission on Marriage and Family Support Initiatives within the Department of Children and Family Services; providing for membership; providing scope of activity; providing for coordination with other organizations and entities; providing for funding the commission; repealing ss. 383.0112, 383.0113, 383.0114, F.S., relating to the Commission on Responsible Fatherhood; providing an effective date.

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

CS for SB 1690—A bill to be entitled An act relating to health care; creating the “Women’s Health and Safety Act”; amending s. 390.0112, F.S.; revising requirements for reporting by medical directors and physicians of terminations of pregnancies; providing a penalty; providing for disciplinary action for successive failures to report; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortions performed in abortion clinics; providing for rules regarding abortions performed after the first trimester of pregnancy; requiring abortion clinics to develop policies to protect the health, care, and treatment of patients; providing an effective date.

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

CS for CS for SB 1838—A bill to be entitled An act relating to long-term care; creating s. 409.221, F.S.; creating the “Florida Consumer-Directed Care Act”; providing legislative findings; providing legislative intent; establishing the consumer-directed care program; providing for consumer selection of certain long-term-care services and providers; providing for interagency agreements between the Agency for Health Care

Administration and the Department of Elderly Affairs, the Department of Health, and the Department of Children and Family Services; providing for program eligibility and enrollment; providing definitions; providing for consumer budget allowances and purchasing guidelines; specifying authorized services; providing roles and responsibilities of consumers, the agency and departments, and fiduciary intermediaries; providing background screening requirements for persons who render care under the program; providing rulemaking authority of the agency and departments; requiring the agency to apply for federal waivers as necessary; requiring ongoing program reviews and annual reports; providing legislative findings and intent with respect to the needs of the state’s elderly population; requiring the Agency for Health Care Administration and the Department of Elderly Affairs to submit a plan to the Governor and Legislature for reducing nursing-home-bed days funded under the Medicaid program; amending s. 408.034, F.S.; providing additional requirements for the Agency for Health Care Administration in determining the need for additional nursing-facility beds; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to contract with vendors on a risk-sharing basis for in-home physician services; requiring the Agency for Health Care Administration to establish a nursing facility preadmission screening program through an interagency agreement with the Department of Elderly Affairs; 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 of 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; 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; amending s. 400.179, F.S.; providing an exemption from certain requirements that the transferor of a nursing facility maintain a bond; providing an effective date.

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

CS for SB’s 1906 and 550—A bill to be entitled An act relating to local government development orders; amending s. 163.3215, F.S.; revising the methods for challenging the consistency of a development order with a comprehensive plan; redefining the term “aggrieved or adversely affected party”; providing legislative intent of the inapplicability of the act to a pending case in litigation; providing an effective date.

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

CS for SB 1980—A bill to be entitled An act relating to children’s health care; amending s. 624.91, F.S.; revising duties of the Florida Healthy Kids Corporation with respect to annual determination of participation in the Healthy Kids Program; prescribing duties of the corporation in establishing local match requirements; revising the composition of the board of directors; providing an effective date.

By the Committee on Ethics and Elections; and Senators Sebesta and Dyer—

CS for SB 1996—A bill to be entitled An act relating to offenses by public servants; creating the “Citizens’ Right to Honest Government

Act"; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending ss. 838.015, 838.016, F.S.; increasing penalties for bribery and for unlawful compensation for official behavior; creating ss. 838.022, 838.20, 838.21, 838.22, 838.23, 838.24, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; providing status of confidential informants or confidential sources; authorizing public servants who are subjected to an investigation for official misconduct to recover attorney's fees; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 838.15, F.S., relating to commercial bribe receiving; repealing s. 838.16, F.S., relating to commercial bribery; amending ss. 112.3173, 121.091, F.S., to conform cross-references; amending s. 905.34, F.S.; expanding the jurisdiction of the statewide grand jury to include violations of ch. 838, F.S.; providing an effective date.

By the Committee on Regulated Industries; and Senator Posey—

CS for SB 2008—A bill to be entitled An act relating to real estate brokers and salespersons; amending s. 475.01, F.S.; revising a definition; amending s. 475.011, F.S.; clarifying application of certain exemptions; amending s. 475.15, F.S.; deleting a provision requiring only general partners of a limited partnership to be registered; amending s. 475.22, F.S.; specifying certain sign requirements; amending s. 475.25, F.S.; revising certain provisions relating to disciplinary actions; providing an alternative procedure for disbursing moneys from an escrow account; authorizing salespersons to compensate certain associated persons under certain circumstances; authorizing brokers to place and maintain moneys in an escrow account under certain circumstances; providing procedures for withdrawal of moneys from the account; providing legislative intent; providing an effective date.

By the Committees on Health, Aging and Long-Term Care; Children and Families; and Senator Peaden—

CS for CS for SB 2030—A bill to be entitled An act relating to mental health treatment; creating a workgroup to study the development and implementation of involuntary outpatient treatment provisions for persons with mental illness under Florida's Mental Health Act, part I of ch. 394, F.S.; identifying workgroup members; requiring the Florida Sheriff's Association to convene and chair the workgroup; requiring a report to the Governor and Legislature by December 31, 2002; providing an effective date.

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

CS for SB 2046—A bill to be entitled An act relating to land acquisition; amending s. 212.055, F.S.; redefining the term "infrastructure"; amending s. 336.025, F.S.; revising provisions prescribing the use of proceeds from local option fuel taxes; amending s. 373.59, F.S.; providing for the interest received from investments of the Water Management Lands Trust Fund to be credited to the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund for 8 years; providing an effective date.

By the Committees on Banking and Insurance; Health, Aging and Long-Term Care; and Senator Klein—

CS for CS for SB 2062—A bill to be entitled An act relating to infant eye care; amending s. 383.04, F.S.; requiring certain eye examinations for all infants born in hospitals in the state; requiring the Medicaid program to include certain eye examinations as a covered benefit; reenacting s. 383.07, F.S., relating to a penalty; amending ss. 627.6416, 627.6579, and 641.31, F.S.; providing that coverage for children under health insurance policies and health maintenance organization con-

tracts include certain eye examinations for infants and children; providing an effective date.

By the Committees on Finance and Taxation; Agriculture and Consumer Services; and Senator Geller—

CS for CS for SB 2072—A bill to be entitled An act relating to agriculture and consumer services; creating s. 288.1175, F.S.; providing that the Department of Agriculture and Consumer Services shall be the state agency for screening applicants for state funding and certification as an agriculture education and promotion facility; providing for rules; providing definitions; providing criteria for applicants; providing for evaluation by the department; providing criteria; prohibiting the expenditure of funds to develop or subsidize privately owned facilities; providing an exception; amending s. 316.515, F.S.; revising the types of equipment authorized for transporting farm products; allowing the Department of Transportation to issue certain permits; amending s. 370.31, F.S.; transferring the Sturgeon Production Working Group from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; revising membership and procedures; amending s. 388.261, F.S.; revising provisions relating to state aid to counties and districts for arthropod control; prorating county funds under certain circumstances; providing an exemption from funding requirements under certain circumstances; authorizing the use of state funds when requested by a county or district; authorizing funds for technical assistance or to purchase equipment, supplies, or services; amending s. 388.281, F.S.; revising uses for state matching funds; amending s. 388.361, F.S.; authorizing the Department of Agriculture and Consumer Services to cooperate with local agencies; authorizing collection, detection, suppression, and control of mosquitoes and arthropods on public or private land; amending s. 388.45, F.S.; clarifying provisions relating to threats to public health and the issuance of declarations; authorizing declaration of a threat to animal health when certain conditions exist; authorizing treatment or control measures; amending s. 403.067, F.S.; authorizing implementation of interim measures for specified water bodies for which total maximum daily load or allocation has not been established; amending s. 403.709, F.S.; deleting the minimum county allocation to local mosquito control agencies from waste tire fees; amending s. 482.277, F.S.; revising requirements relating to guarantees and warranties in contracts for treatment of wood-destroying organisms; declaring legislative intent with respect to such warranties and guarantees; amending s. 482.2401, F.S.; adding education in pest control as an approved use of administrative fine revenues; creating s. 482.243, F.S.; creating the Pest Control Enforcement Advisory Council in the department; providing for membership, terms, and procedures; providing powers and duties; amending s. 487.041, F.S.; increasing the annual registration fee for a registered pesticide; amending s. 500.121, F.S.; providing sanctions for nutrient labeling violations; amending s. 500.148, F.S.; authorizing the department to issue a report certifying food establishment compliance with sanitation and permitting requirements for food exportation purposes; authorizing fees; amending s. 501.160, F.S.; providing for enforcement of prohibitions of unconscionable prices on rental or sale of essential commodities; amending s. 570.07, F.S.; authorizing the department to provide meals when personnel cannot leave emergency incident locations; amending s. 570.53, F.S.; requiring the Division of Marketing and Development to review and administer community budget request allocations; amending s. 573.124, F.S.; increasing penalties for furnishing false information, or refusing to furnish information, relating to the marketing of agricultural commodities; amending s. 585.002, F.S.; authorizing the department to set fees for additional services relating to the animal industry; increasing fee limits; amending s. 585.08, F.S.; authorizing the Division of Animal Industry, under certain circumstances, to condemn and destroy an animal that is liable to spread contagious, infectious, or communicable disease; amending s. 585.09, F.S.; conforming a cross-reference; repealing s. 585.10, F.S., relating to limitations on payments to owners of condemned and destroyed animals; amending s. 585.105, F.S.; authorizing the department to charge for costs of approved brucella vaccine; amending s. 585.11, F.S.; authorizing the department to cooperate with United States Department of Agriculture accredited private veterinarians; amending s. 585.21, F.S.; requiring written permission of the department prior to sale in the state of certain biological products; amending s. 585.61, F.S.; increasing fees for use of animal disease diagnostic laboratories; amending s. 590.02, F.S.; revising the powers of the Division of Forestry; providing that certain managerial positions are classified under the Selected Exempt Service; amending s. 590.11, F.S.; providing

a criminal penalty for violation of recreational fire provisions; amending s. 590.125, F.S.; revising requirements for certified prescribed burning; renaming procedures for protecting wild lands from wildfires; amending s. 597.020, F.S.; requiring aquaculture licenses and certifications to expire annually; amending s. 616.242, F.S.; providing that certain kiddie rides shall be exempt from the requirement for receipt of an inspection certificate each time the ride is set up; revising accident-reporting requirements; amending s. 496.404, F.S.; redefining the term "educational institutions"; designating the U.S.D.A. Service Center Building in Bartow as the John W. Hunt Building; amending s. 316.640, F.S.; eliminating certain limitations on the authority of the Office of Agricultural Law Enforcement; amending s. 570.073, F.S.; specifying duties of the Office of Agricultural Law Enforcement with respect to its jurisdiction over violations of law which threaten the security and safety of agriculture and consumer services; authorizing the office to enforce civil traffic offenses and laws relating to the responsibilities of the Commissioner of Agriculture; specifying that officers within the department have the full powers granted to other peace officers of this state; authorizing the commission to appoint part-time, reserve, or auxiliary law enforcement officers; amending s. 163.05, F.S.; amending s. 570.71, F.S.; revising provisions relating to conservation easements and rural land protection easements; amending s. 590.14, F.S.; revising criteria for determining administrative fines for violation of provisions relating to forestry; creating s. 604.40, F.S.; providing regulations regarding farm equipment; amending s. 604.50, F.S.; clarifying the definition of a nonresidential farm building; providing an appropriation; providing effective dates.

By the Committee on Regulated Industries; and Senator Holzendorf—

CS for SB 2084—A bill to be entitled An act relating to the Underground Facility Damage Prevention and Safety Act; amending s. 556.101, F.S.; revising legislative intent; amending s. 556.102, F.S.; redefining the terms "business hours," "excavate," and "system"; defining the terms "design services," "positive response," "premark," and "tolerance zone"; amending s. 556.104, F.S.; providing for a free-access notification system; amending s. 556.105, F.S.; revising the procedures for excavation and notification; amending s. 556.106, F.S.; revising liability provisions; amending s. 556.107, F.S.; revising noncriminal and criminal penalties; creating s. 556.112, F.S.; prescribing requirements for member operators and requests for design services; providing an effective date.

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

CS for SB 2164—A bill to be entitled An act relating to firefighter and municipal police pensions; 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; providing for distribution of tax revenues through 2006; amending s. 175.032, F.S.; providing an extended time period for the recognition of supplemental firefighter pension plans; amending s. 175.351, F.S.; defining the term "extra benefits" with respect to pension plans for firefighters; providing an extended time period for the recognition of supplemental firefighter pension plans; amending s. 185.02, F.S.; providing an extended time period for the recognition of supplemental municipal police officer pension plans; amending s. 185.35, F.S.; providing for the meaning of the term "extra benefits" with respect to pension plans for municipal police officers; providing an extended time period for the recognition of supplemental municipal police officer pension plans; providing an appropriation to the Department of Revenue; providing an effective date.

By the Committee on Banking and Insurance; and Senator Holzendorf—

CS for SB 2214—A bill to be entitled An act relating to premium financing; amending s. 627.901, F.S.; providing for calculation of certain interest charges; authorizing billing interest in installments; amending s. 627.902, F.S.; authorizing insurers, subsidiaries, corporations, or groups of insurers to impose certain additional service charges and fees; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Senator Sebesta—

CS for CS for SB 2224—A bill to be entitled An act relating to the issuance of drivers' licenses; amending s. 322.01, F.S.; defining the term "county tax collector" to mean an authorized agent of the Department of Highway Safety and Motor Vehicles; defining the term "exclusive agent county tax collector"; amending ss. 322.03, 322.05, F.S., relating to the issuance of drivers' licenses; authorizing the county tax collector to issue drivers' licenses; prohibiting the county tax collector from issuing licenses to certain persons; amending s. 322.051, F.S.; authorizing the county tax collector to issue identification cards; providing for the tax collector to retain the fee; amending s. 322.059, F.S.; providing for a driver's license to be surrendered to the county tax collector; amending ss. 322.07, 322.09, F.S.; authorizing the county tax collector to issue instruction permits and temporary licenses; amending s. 322.091, F.S., relating to requirements for school attendance; conforming provisions to changes made by the act; amending s. 322.12, F.S.; authorizing the county tax collector to perform driver's license examinations; providing for the tax collector to retain a portion of the fee; amending ss. 322.121, 322.13, 322.14, F.S., relating to reexaminations and examiners; conforming provisions to changes made by the act; amending ss. 322.141, 322.142, 322.161, 322.1615, F.S., relating to the color and types of licenses; conforming provisions to changes made by the act; amending s. 322.17, F.S.; authorizing the county tax collector to issue duplicate and replacement licenses and change-of-address stickers; providing for the tax collector to retain a portion of the fee; amending s. 322.18, F.S., relating to license applications and expiration of licenses; conforming provisions to changes made by the act; amending s. 322.20, F.S.; requiring the county tax collector to maintain certain records; amending s. 322.21, F.S.; requiring that the county tax collector provide personnel to perform the duties specified under the act; providing for the county tax collector to retain a portion of certain fees; amending s. 322.221, F.S.; authorizing the county tax collector to require reexamination of a licensed driver; amending s. 322.251, F.S.; providing for a cancelled, suspended, or revoked driver's license to be surrendered to the county tax collector; amending s. 322.282, F.S.; providing for the county tax collector to issue a temporary driver's permit under certain circumstances; amending s. 322.32, F.S., relating to penalties imposed for failure to surrender a driver's license; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Ethics and Elections; and Senator Smith—

CS for SB 2250—A bill to be entitled An act relating to constitutional amendments proposed by initiative; amending s. 100.371, F.S.; reducing the period for which signatures on petitions for such initiative amendments remain valid; providing for a printed legend on each petition; requiring that signed and dated petition forms be submitted to the appropriate supervisor of elections for verification within 60 days after the date of signing or no later than 180 days prior to the general election at which the proposed initiative amendment is to be voted on, whichever occurs earlier; providing for inclusion of fiscal impact statements in the text of such initiative amendments prior to circulation for signatures; providing duties of the Revenue Estimating Conference; providing rule-making authority; providing an effective date.

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

CS for 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 Governmental Oversight and Productivity; and Senator Geller—

CS for SB 2292—A bill to be entitled An act relating to sureties; amending ss. 199.185, 201.23, F.S.; exempting mortgages and liens recorded to secure performance of an indemnitor to a surety from the intangible personal property tax and the excise tax on documents at time of recording; providing that those taxes become due upon exercise of rights under the mortgage or lien; providing that failure to pay intangibles tax is subject to criminal penalties in s. 199.282, F.S.; providing that failure to pay excise taxes when due is a first degree misdemeanor; amending s. 210.08, F.S.; providing methods other than a bond for dealers, agents, or distributing agents to guarantee tax payment to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; amending s. 255.05, F.S.; requiring public construction bonds to be the same as the statutory form; revising the statutory form; amending s. 713.24, F.S.; providing that sureties have no liability in excess of a lien transfer bond; providing an exception; providing an effective date.

By the Committee on Banking and Insurance; and Senator Latvala—

CS for SB 2304—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. 440.191, F.S.; revising duties of the Employee Assistance and Ombudsman Office; removing a requirement that an employee exhaust certain dispute-resolution procedures before filing a petition requesting benefits; amending s. 440.25, F.S.; revising procedures for mediation and hearings; extending the time for ordering and holding mediation conferences; providing requirements for granting a continuance; providing for mediation conducted by mediators other than from the Office of the Judges of Compensation Claims; requiring that the parties complete pretrial stipulations before concluding mediation; extending the time for holding final hearings; providing for waiver of any benefit not raised at the final hearing; providing for an expedited determination of pay; requiring that certain claims be resolved through an expedited process; providing for dismissal for lack of prosecution; limiting the payment of interest and the attachment of attorney's fees; amending s. 440.271, F.S.; requiring appellate mediation and providing procedures therefor; 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 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 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 effective dates.

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

CS for SB 2326—A bill to be entitled An act relating to health care facilities; providing a short title; providing legislative findings with respect to standards for staffing health care facilities in order to ensure the safety of patients; providing definitions; providing staffing requirements for health care facilities licensed under ch. 395, F.S., and psychiatric facilities licensed under ch. 394, F.S.; requiring that each facility subject to the act submit a staffing plan to the Agency for Health Care Administration; providing requirements for the plan; specifying nurse-to-patient ratios; providing that the act does not preclude a facility from implementing higher staffing ratios than those required by the act; requiring each facility maintain records of staffing levels; requiring that the records be available to the Agency for Health Care Administration and to the public; prohibiting a facility from requiring that health care employees work more than specified periods of overtime; providing an exception during a declared state of emergency; authorizing a collective bargaining agreement that provides for mandatory hours in excess of that permitted under the act; specifying circumstances under which a direct-care nurse may refuse a work assignment; requiring each health care facility to adopt a work-assignment policy; prohibiting a facility from penalizing or retaliating against an employee who reports certain violations or participates in investigations or proceedings; providing that an employee may obtain legal or equitable relief against a health care facility for certain violations of the act; providing for attorney's fees and costs; requiring health care facilities to post a notice of the requirements of the act and the daily staffing levels of the facility; authorizing the Agency for Health Care Administration to adopt rules with respect to enforcement of staffing requirements; authorizing the agency to revoke the license of a facility in violation of the act; providing for fines for certain violations; providing for the agency to require that a facility take corrective action; providing for additional sanctions against a facility that fails to take corrective action; providing that certain violations of the act are a third-degree misdemeanor; providing for a facility to be terminated from the Medicaid program following a violation of the act; providing an effective date.

By the Committee on Regulated Industries; and Senator Silver—

CS for SB 2350—A bill to be entitled An act relating to the organization of the Department of Business and Professional Regulation; amending s. 20.165, F.S.; providing for the organization of the Division of Florida Land Sales, Condominiums, and Mobile Homes and the Division of Alcoholic Beverages and Tobacco; prohibiting the transfer of certain funds without prior authorization of the Legislature; providing an effective date.

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

CS for SB 2368—A bill to be entitled An act relating to Medicaid audits of pharmacies; providing requirements for an audit conducted of the Medicaid-related records of a pharmacy licensed under ch. 465, F.S.; requiring that a pharmacist be provided prior notice of the audit; providing that a pharmacist is not subject to criminal penalties without proof of intent to commit fraud; providing that an underpayment or overpayment may not be based on certain projections; requiring that all pharmacies be audited under the same standards; limiting the period that may be covered by an audit; requiring that the Agency for Health Care Administration establish a procedure for conducting a preliminary review; authorizing the agency to establish peer-review panels; requiring that the agency dismiss an unfavorable audit report if it or a review panel finds that the pharmacist did not commit intentional fraud; exempting certain audits conducted by the Medicaid Fraud Control Unit of the Department of Legal Affairs; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Posey—

CS for SB 2370—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for unsolicited proposals received by the Department of Transportation or an expressway authority with respect to public-private transportation facilities; providing an exception to the exemption; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

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

CS for SB 2404—A bill to be entitled An act relating to the Department of State; amending ss. 495.031, 495.071, 495.081, F.S.; revising and clarifying requirements for applications for trademark registrations, trademark registration duration and renewal, and assignment of trademarks and registrations; creating s. 495.102, F.S.; providing requirements and procedures for correcting applications filed of record; amending ss. 607.0120, 607.0122, 607.0123, 607.0124, 607.0126, 607.0401, 607.10025, 607.1006, 607.1108, 607.1403, 607.1503, 607.1532, F.S.; revising and clarifying provisions relating to corporation filing requirements, filing fees, filing documents, names, shares, articles of amendment, mergers, certificates of authority, and appeals from revocation; amending s. 607.0505, F.S.; providing requirements and procedures for withdrawal of registered agent designation; amending s. 607.1422, F.S.; revising information requirements for reinstatement following administrative dissolution; amending ss. 608.407, 608.408, 608.4115, 608.445, 608.4511, 608.506, 608.507, F.S.; revising and clarifying provisions relating to limited liability company articles of organization, execution of certificates or statements, corrections of documents, articles of dissolution, annual reports, names, and registered office and registered agent; creating s. 608.4233, F.S.; providing procedures and requirements for resignation of managing members, managers, or officers; amending ss. 617.01201, 617.0122, 617.0123, 617.0124, 617.0401, 617.1405, 617.1503, F.S.; revising and clarifying provisions relating to corporations not for profit relating to filing requirements, filing fees, documents, names, dissolution, and certificates of authority; amending s. 617.1422, F.S.; revising information requirements for reinstatement following administrative dissolution; amending ss. 620.103, 620.105, 620.108, 620.169, 620.173, 620.174, 620.177, F.S.; revising and clarifying provisions relating to limited partnership names, agent for service of process, formation and certificate, execution of certificate or statement, registration, amendments to registration application, cancellation of registration, and annual report; amending s. 620.182, F.S.; imposing a fee for filing articles of merger; amending ss. 620.8105, 620.9001, 620.9002, 620.9102, F.S.; revising and clarifying provisions relating to limited liability partnership required information on registration statements, other statements, and names; amending ss. 621.03, 621.051, 621.12, F.S.; revising and clarifying provisions relating to limited liability company articles of organization and names; amending ss. 679.5011, 679.527, F.S.; revising provisions relating to the filing office and the duties and authority of the department for the Florida Secured Transaction Registry; revising rule making authority of the Department of State; repealing s. 267.171, F.S., relating to a contract for preservation of historic properties in the City of St. Augustine; repealing s. 679.1021(1)(II), F.S., relating to a definition of the term “filing-office rule”; repealing s. 679.526, F.S., relating to filing office rules; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Diaz de la Portilla—

CS for SB 2414—A bill to be entitled An act relating to economic stimulus; amending s. 220.191, F.S.; establishing, for a temporary period, eligibility conditions for a new type of qualifying project under the capital investment tax credit program; providing deadlines for certification of businesses and commencement of project construction under such program; revising requirements relating to minimum capital investment; prescribing tax credit limitations; amending s. 288.095, F.S.; re-

vising terminology relating to certain incentive payment schedules; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.1045, F.S.; expanding the tax refund program for qualified defense contractors to include qualified aviation-industry businesses; revising definitions; defining “aviation-industry business”; providing that qualified aviation-industry businesses may seek refunds for aviation fuel taxes paid; revising and conforming procedures for applying for certification under the tax refund program; prescribing information required in applications by aviation-industry businesses; prescribing criteria to be used by the Office of Tourism, Trade, and Economic Development in reviewing applications by aviation-industry businesses; revising the required elements of a tax refund agreement; providing an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors or specific acts of terrorism; prescribing a deadline for applying for tax refunds; revising conditions and procedures governing applications for tax refunds; revising provisions relating to the order authorizing a tax refund; authorizing the office to grant extensions to certain application and notification deadlines; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated refund; specifying that the section does not create a presumption a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; consolidating definitions; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; providing for an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors or specific acts of terrorism; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 14.2015, F.S.; revising duties of the Office of Tourism, Trade, and Economic Development with respect to tax-refund programs; conforming provisions to changes made by the act; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information concerning specified tax-refund programs with the Office of Tourism, Trade, and Economic Development; providing legislative findings relating to the impact of economic downturns on small businesses; directing Enterprise Florida, Inc., to provide for the establishment of a Small Business Crisis Management Team; prescribing the membership and purposes of such team; requiring participation of designated agencies or organizations; defining the term “small business”; providing a short title; amending s. 443.111, F.S.; defining terms; creating a self-employment-assistance program within the Agency for Workforce Innovation; providing eligibility requirements; authorizing payment of self-employment-assistance allowance in lieu of regular unemployment compensation to eligible individuals; requiring participants to attend certain training and counseling programs; requiring participants to engage in activities related to establishing a business and becoming self-employed; exempting participants from certain requirements applicable for regular benefits; providing disqualification requirements; specifying payment and financing of allowances; requiring establishment of an eligibility-assessment system; providing for training and counseling programs; providing participation limits; providing for rules; requiring a report; providing for resolution of conflict with federal requirements; providing for expiration;

creating s. 445.053, F.S.; defining terms; requiring the Agency for Workforce Innovation to establish a Self-Employment-Assistance Loan Program; providing for business start-up loans to eligible borrowers; providing for contracts with qualified entities to make loans; limiting the use of loan repayments; providing for extension of certain counseling programs; providing for the selection of qualified entities; providing for expiration; amending s. 624.5091, F.S.; revising provisions governing determination of retaliatory taxes on certain insurers; amending s. 187.101, F.S.; providing legislative intent relating to the State Comprehensive Plan; amending s. 288.901, F.S.; expanding the membership of the board of directors of Enterprise Florida, Inc., to include certain economic-development or community-development representatives; amending s. 288.9015, F.S.; revising duties of Enterprise Florida, Inc., relating to economic development in certain communities; providing legislative findings and intent regarding economically distressed communities; prescribing duties and activities of Enterprise Florida, Inc., relating to economically distressed communities; requiring information concerning such duties and activities to be included in the annual report of Enterprise Florida, Inc.; providing an appropriation; providing effective dates.

By the Committee on Governmental Oversight and Productivity; and Senator Garcia—

CS for SB 2416—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing that the home mailing addresses, physical home addresses, and home telephone numbers of public employees are exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution; providing a statement of public necessity; providing for future legislative review and repeal; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Diaz de la Portilla—

CS for SB 2430—A bill to be entitled An act relating to public records; creating s. 288.1067, F.S.; creating a public-records exemption for specified business information received under the capital-investment tax-credit program, qualified-defense-contractor tax-refund program, qualified target industry tax-refund program, high impact sector performance program, and quick-action closing fund program; specifying that the exemption does not preclude publication of aggregate data or release of names of qualifying businesses and refund amounts; providing that the public-records exemption applies to qualified aviation-industry businesses; providing for contingent effect; amending s. 213.053, F.S.; adding an exception to the exemption; amending s. 443.171, F.S.; adding an exception to the exemption; amending s. 443.1715, F.S.; adding an exception to the exemption; providing a statement of public necessity; providing effective dates.

By the Committee on Regulated Industries; and Senator Campbell—

CS for SB 2472—A bill to be entitled An act relating to the Florida Electrical Power Plan Siting Act; amending s. 403.506, F.S.; expanding application of the act; providing an effective date.

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

CS for SJR 2494—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution, relating to finance and taxation, to allow the Legislature to exempt certain types of tangible personal property from ad valorem taxation or to except such property from the uniform requirements and procedures of ad valorem tax administration, appraisal, and collection, or both, if it determines that the appraisal of, or the administration, assessment, levy, and collection of ad valorem taxes on, such property is not cost-effective; creating Section 26 of Article XII of the State Constitution; providing an effective date for such amendment.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 1336, SB 1338, SB 1340 and SB 1342 which he approved on March 12, 2002.

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 245, CS for HB 353, CS for HB 377, HB 523, HB 1283; has passed as amended CS for HB 683, HB 835, HB 1943, HB 1945, HJR 1987, HB 1993; has passed by the required Constitutional three-fifths vote of the membership CS for HB 1653, HB 1721, HB 1753 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Healthy Communities; and Representative Deterf and others—

CS for HB 245—A bill to be entitled An act relating to foster care; creating the “Road-to-Independence Act”; amending s. 409.145, F.S.; providing transition to self-sufficiency as a goal for older children who are likely to remain in foster care until 18 years of age; creating s. 409.1451, F.S.; directing the Department of Children and Family Services or its agents to administer a system of independent living transition services; providing for the use of state foster care or federal funds to establish a continuum of independent living transition services; providing for eligibility for the services; providing for services for foster children; specifying the eligibility and services for the pre-independent-living services; specifying the eligibility and services for the life skills services; specifying the eligibility, services, and conditions for the subsidized independent living services; providing for opportunities for participation in life skills activities; providing for services for young adults formerly in foster care; specifying the services and eligibility for the aftercare support services; specifying the services, eligibility, and awards process and conditions for the Road-to-Independence Scholarship Program; specifying the services, eligibility and conditions for the transitional support services; providing for payment directly to a licensed foster family or group care provider with whom a young adult continues to reside; providing that the young adult not be counted in licensing restrictions; providing for an appeals process; providing for department and program accountability; establishing an independent living services integration workgroup; providing workgroup membership and duties; requiring a report; providing department rulemaking authority; amending s. 409.165, F.S.; conforming provisions relating to alternate care for children; amending ss. 239.117, 240.235, and 240.35, F.S., relating to workforce development fees, university fees, and student fees; conforming provisions to changes made by the act with respect to the Road-to-Independence Scholarship; amending s. 409.903, F.S.; specifying that a child who is eligible for certain payments for medical assistance and related services includes a child who has been awarded a Road-to-Independence Scholarship; repealing ss. 409.145(3) and 409.165(4), F.S., relating to services for youth age 18 and older and to the use of state foster care funds to establish a continuum of services and an independent living program; restricting the use of certain funds appropriated to the Department of Children and Family Services for the purpose of funding s. 409.165, F.S., and as provided for in the Road-to-Independence Act pursuant to House Bill 245, or Senate bill 996 or similar legislation passed into law; providing an effective date.

—was referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for HB 353—A bill to be entitled An act relating to postsecondary education; amending ss. 229.003 and 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 referred to the Committees on Education; and Governmental Oversight and Productivity.

By the Council for Competitive Commerce; and Representative Clarke and others—

CS for HB 377—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.

—was referred to the Committees on Governmental Oversight and Productivity; and Appropriations.

By Representative Ball and others—

HB 523—A bill to be entitled An act relating to relating to community human services infrastructure; amending s. 20.19, F.S.; including the state attorney and public defender among those persons who may be added to the membership of a local community alliance for human services; providing an effective date.

—was referred to the Committee on Children and Families.

By Representative Ausley and others—

HB 1283—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 referred to the Committees on Children and Families; and Governmental Oversight and Productivity.

By the Council for Smarter Government; and Representative Mack and others—

CS for HB 683—A bill to be entitled An act relating to firefighter pensions and police pensions; amending s. 175.032, F.S.; providing an extended time period for the recognition of supplemental firefighter plans; amending s. 185.02, F.S.; providing an extended time period for the recognition of supplemental police pension plans; amending ss. 175.061 and 185.05, F.S.; prescribing guidelines for selecting trustees for closed plans of specified size; amending ss. 175.371 and 185.38, F.S.; providing for termination of plans after distribution of final benefit payments; amending s. 175.351, F.S.; providing an extended time period for the recognition of certain municipal supplemental pension plans; amending s. 185.35, F.S.; providing an extended time period for the

recognition of certain municipal supplemental pension plans; providing an effective date.

—was referred to the Committee on Comprehensive Planning, Local and Military Affairs.

By Representative Gardiner and others—

HB 835—A bill to be entitled An act relating to theft; creating s. 812.0145, F.S.; providing enhanced criminal penalties for theft from persons age 65 or older; requiring restitution and community service for theft from said persons; amending s. 921.0022, F.S.; adding specified felonies to the Criminal Punishment Code offense severity ranking chart; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Fiscal Responsibility Council; and Representative Lacasa and others—

HB 1943—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 Fiscal Responsibility Council; and Representative Lacasa and others—

HB 1945—A bill to be entitled An act implementing the 2002-2003 General Appropriations Act; providing legislative intent; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; providing for future reversion to current text; amending s. 240.116, F.S.; eliminating restriction of the Advanced International Certificate of Education Program to a pilot program; providing for future reversion to current text; amending s. 229.085, F.S.; exempting personnel employed to plan and administer grants or contracts for specific educational projects from requirements for positions in excess of those authorized; providing accounting requirements for the state universities for the 2002-2003 fiscal year; amending s. 236.081, F.S.; deferring application of a method for adjusting a school district's full-time equivalent membership; providing district school boards flexibility in the use of certain categorical appropriations for purposes of academic classroom instruction; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; 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 authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 860.158, F.S.; providing directives for the use of moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 375.041, F.S.; providing for use of moneys allocated to the Land Acquisition Trust Fund as provided in the General Appropriations Act; amending s. 403.709, F.S.; providing

for use of moneys allocated to the Solid Waste Management Trust Fund as provided in the General Appropriations Act; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 581.1845, F.S.; prescribing the amount of compensation for trees taken in canker eradication programs; amending s. 373.470, F.S.; removing a requirement to deposit certain funds into the Save Our Everglades Trust Fund; amending s. 216.181, F.S.; allowing transfers of positions and funds among departments necessary for implementation of the office of Chief Financial Officer; requiring approval by the Legislative Budget Commission; amending s. 259.032, F.S.; allowing Conservation and Recreation Lands Trust Fund distributions to certain counties to be used for rural economic development and infrastructure purposes; amending s. 403.7095, F.S.; prescribing conditions on solid waste management and recycling grants; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 288.063, F.S.; providing that certain transportation projects may be designated and funded by the Legislature as necessary for economic development; providing for future repeal or expiration of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—was referred to the Committee on Appropriations.

By the Procedural and Redistricting Council; and Representative Byrd and others—

HJR 1987—A joint resolution of apportionment; providing for the apportionment of the Florida House of Representatives and Florida Senate (plans H062H001 and H062S001); adopting the United States Decennial Census of 2000 for use in such apportionment; providing for omitted areas; providing contiguity for areas specified for inclusion in one district which are entirely surrounded by other districts; providing severability of invalid portions; providing for application beginning in 2002.

—was referred to the Committees on Reapportionment; and Rules and Calendar.

By the Procedural and Redistricting Council; and Representative Byrd and others—

HB 1993—A bill to be entitled An act relating to the establishment of congressional districts; amending s. 8.0001, F.S., relating to the official census for congressional redistricting and applicable definitions; updating references; amending s. 8.0002, F.S.; dividing the state into congressional districts (plan H062C002); amending s. 8.0111, F.S., relating to the inclusion of unlisted territory in contiguous districts; revising references; amending s. 8.0112, F.S., relating to contiguity for areas specified for inclusion in one district which are entirely surrounded by other districts; revising references; reenacting s. 8.031, F.S., relating to the election of representatives to Congress; amending s. 8.0611, F.S.; providing severability; providing for nomination and election of candidates from congressional districts created in 2002; providing effective dates.

—was referred to the Committees on Reapportionment; and Rules and Calendar.

By the Council for Smarter Government; and Representative Sorensen—

CS for HB 1653—A bill to be entitled An act relating to trust funds; creating s. 403.185, F.S.; creating the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund to be administered by the Department of Community Affairs; providing sources of funds; providing purposes and administrative provisions with respect to such purposes; providing rulemaking authority for such administrative provisions; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By the Committee on Transportation and Economic Development Appropriations; and Representative Johnson—

HB 1721—A bill to be entitled An act relating to trust funds; terminating and re-creating the Federal Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Transportation and Economic Development Appropriations; and Representative Johnson—

HB 1753—A bill to be entitled An act relating to trust funds; terminating and re-creating the Federal Law Enforcement Trust Fund within the Department of Military Affairs without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Appropriations.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 148, CS for SB 160, SB 196, SB 358, CS for SB 374, CS for SB 508, SB 604, CS for SB 952 and SB 1222; has passed by the required Constitutional three-fifths vote of the membership of the House SB 736, SB 738, SB 742, SB 744, SB 746, SB 750, SB 756, SB 760, SB 762, SB 764, SB 766, SB 768, SB 770, SB 778, SB 780, SB 782, SB 786, SB 788, SB 790, SB 792, SB 794, SB 798, SB 800, SB 802, SB 806, SB 810, SB 812, SB 814, SB 816, SB 818, SB 820, SB 822, SB 824, SB 826, SB 830, SB 832, SB 834, SB 836, SB 838, SB 840, SB 842, SB 846, SB 848, SB 850, SB 852, SB 854, SB 856, SB 860, SB 864, SB 866, SB 868, SB 870, SB 872, SB 874, SB 876, SB 878, SB 880, SB 882, SB 884, SB 886, SB 888, SB 892, SB 894, SB 896, SB 898, SB 900, SB 904, SB 906, SB 908 and SB 916.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 7 was corrected and approved.

CO-SPONSORS

Senators Burt—CS for SB 1046; Crist—SB 214, SB 1144, SB 2290; Dyer—SB 278, SB 2066; Jones—CS for SB 544, SB 672; Lawson—CS for SB 2238; Meek—SB 1152, SB 1154; Villalobos—CS for SB 1738; Wise—CS for SB 2238

VOTES RECORDED

Senator Crist was recorded as voting "yea" on the following bill which was considered March 7: **SB 716**

RECESS

On motion by Senator Lee, the Senate recessed at 2:08 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, March 14 or upon call of the President.

SENATE PAGES

March 11-15, 2002

Laura Andrews, Altamonte Springs; Katie Boucher, Havana; Tara Brandenburger, Dunedin; Christina Crotty, Orlando; Deidra Davis, Apopka; Keidra Davis, Apopka; Kira Faircloth, Quincy; Blake Harris, Jacksonville; Andrew "Drew" Holt, Shalimar; Landon Lang, Tallahassee; Nicole McKnight, Rockledge; RaLonda Nesbitt, Jacksonville; Randy Perkins, Havana; Ryan Powers, Tallahassee; Daniel Rodriguez, Miami; Hannah Smith, O'Brien; Marianne Smokay, Davenport; Susanna "Anna" Stevens, Mims; Robert "Trae" Utterback, III, Auburndale