Journal of the Senate

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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 Faye Blanton, Secretary of the Senate:

Our Heavenly Father, we thank you for another beautiful Florida day and, Lord, we are reminded of your magnificence and your gift to us for allowing us to live in this gorgeous state.

We ask a special prayer for the family of Marvin Arrington, friend of the Legislature, who died last night. Be with his wife, Lynn, his son, Reynolds, and his daughter, Maggie.

I also pray that as these Senators today take leadership in this state, that you will give them clarity of mind and purity of heart.

Lord, may all that is done in this place today be good for the citizenry, and also within your will. In your holy name, Amen.

PLEDGE

Senate Pages Aaron Irving of Leesburg, Adeniyi Aderibigbe of Mayo, Jordan Webster of Orlando and Joseph Salas of Palmetto, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert Knaus of Seminole, sponsored by Senator King, as doctor of the day. Dr. Knaus specializes in Psychology and Sports Medicine.

ADOPTION OF RESOLUTIONS

At the request of Senator Dawson—

By Senator Dawson—

SR 1896—A resolution in honor of the late Charles Spencer Pompey.

WHEREAS, on July 24, 2001, the Delray Beach area lost a valued citizen and friend in the person of longtime educator, historian, and activist Charles Spencer Pompey, only seven days short of his eighty-sixth birthday, and

WHEREAS, encouraged by his mother's determination that her five children be properly educated, Charles Pompey became valedictorian of his high school class at the age of 15 and graduated summa cum laude in 1939 from Johnson C. Smith University in Charlotte, North Carolina, at that time a remarkable achievement for an African American, and

WHEREAS, during a career that spanned 41 years, Mr. Pompey successfully taught social studies, coached athletics, and served as principal in the public schools of Florida, but it was through his soft-spoken example that generations of black children learned the principles of achievement, equality, and respect and, an issue very dear to his heart, the importance of voting, and

WHEREAS, although totally dedicated to his profession, Mr. Pompey was vitally interested in every facet of life in the community, and it was he who fought to desegregate the area beaches, pressed the city fathers to install street lights, sidewalks, and paved streets in black neighborhoods, and pushed for the first organized recreation programs for the city's African-American children, an effort which resulted in his having Pompey Park named in his honor, and

WHEREAS, never a man to hesitate to define and act on his convictions, Mr. Pompey was one of three African-American teachers who initiated the first class-action lawsuit in federal court to eliminate teacher salary disparity between the races; co-organized and served as the first president of the Palm Beach County Teachers Association; initiated the athletic program at Carver High School, which hosted the first interscholastic track meet for black schools in the state, and set up and chaired the first Political Clinic for Teachers in the state, and

WHEREAS, Mr. Pompey was the first African American elected to the Florida Education Association Board of Directors; served as Palm Beach County's delegate to the first Governor's Conference on Education; and was the recipient of the first Annual Human Relations Award in Education in Florida; hence, with so many "firsts" to his credit, it is fitting that he be remembered as one who lived up to the motto of his fraternity, "First of all, to be a servant of all, to transcend all," NOW, THEREFORE,

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

That the Senate pauses in its deliberations to honor the late Charles Spencer Pompey, a man of great stature and superlative accomplishments.

—**SR 1896** was introduced, read and adopted by publication.

At the request of Senator Saunders—

By Senator Saunders—

SR 2670—A resolution recognizing Brian Shimer, resident of Naples, Florida, and member of the four-man United States Olympic bobsled team that captured the bronze medal at the 19th Olympic Winter Games in Salt Lake City.

WHEREAS, as a resident of warm and sunny Naples, Brian Shimer persevered and excelled in an unusual sport in this state which involves piloting a sled through 15 twists and turns as it rockets down a steep, one-mile tunnel of ice, and

WHEREAS, as the premier bobsled driver in the United States since 1990 and a winner of the World Cup championship in 1987 in the four-man sled, 39-year-old Brian Shimer participated in his fifth and final Winter Olympic Games as the driver of USA-2, a bobsled team consisting of Brian and Mike Kohn, Doug Sharp, and brakeman Dan Steele, and

WHEREAS, after missing the bronze medal by two-hundredths of a second at the 1998 Winter Olympic Games in Nagano, Japan, Brian Shimer was able to hold off former World Cup champion, Martin Annen of Switzerland, on the final run in Park City, Utah, to clinch the bronze medal and join silver medalist Todd Hays and the team that piloted USA-1 on the medals podium in Salt Lake City, ending a 46-year medal drought for the United States in a sport typically dominated by Europeans, and

WHEREAS, as a tribute to his years of dedication and training as an accomplished athlete who defined the sport of bobsledding in the United States for 15 years, Brian Shimer was chosen by the other Winter Olympic athletes from the United States to carry the American flag during the closing ceremony at the Rice-Eccles Olympic Stadium, and

WHEREAS, Brian Shimer's accomplishments have brought honor to this state, NOW, THEREFORE,

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

That the Florida Senate commends Brian Shimer for his outstanding dedication to his sport and to the Olympic dream, which dedication has brought honor to this state.

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

—**SR 2670** was introduced, read and adopted by publication.

BILLS ON THIRD READING

On motion by Senator Pruitt, by two-thirds vote **CS for HB 1511** was withdrawn from the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

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

CS for HB 1511—A bill to be entitled An act relating to the communications services tax; amending s. 202.125, F.S.; providing definitions of religious or educational institutions to conform an exemption to the sales tax exemption provided for such institutions; creating s. 202.151, F.S.; clarifying the imposition of a use tax on certain purchases of communications services; authorizing the Department of Revenue to adopt rules; 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; 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 use of rights-of-way; providing definitions; authorizing certain counties or municipalities to levy an annual charge upon certain providers for using municipal rights-of-way; providing limitations; providing criteria; specifying application; 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, and 561.1105, F.S.; 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; requiring the Department of Revenue to submit a report of the accuracy of the 2001 revenue estimates of the state and local communications services taxes to the Governor, the President of the Senate, and the Speaker of the House of Representatives; repealing s. 212.05(1)(g), F.S., relating to a sales tax on certain substitute telecommunications equipment; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1610** as amended and by two-thirds vote read the second time by title. On motion by Senator Pruitt, by two-thirds vote **CS for HB 1511** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Carlton, Geller, Jones, King, Lawson, Sanderson

Consideration of **HB 1943**, **SB 2502**, **CS for SB 1108**, **CS for SB 1116**, **CS for CS for SB 1654** and **HB 813** was deferred.

SENATOR ROSSIN PRESIDING

On motion by Senator Cowin, by two-thirds vote **CS for HB 1447** was withdrawn from the Committee on Criminal Justice.

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

CS for HB 1447—A bill to be entitled An act relating to arrest without a warrant; amending s. 901.15, F.S.; authorizing a law enforcement officer to make an arrest without a warrant when there is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or certain other officers or has committed assault or battery upon any employee of a receiving facility; amending ss. 947.141, 947.22, F.S.; requiring a law enforcement officer to arrest an offender whom the officer has probable cause to believe has committed a felony while on release supervision or parole; providing that a warrant need not be issued in the case; providing an effective date.

—a companion measure, was substituted for **CS for SB 2270** as amended and by two-thirds vote read the second time by title. On motion by Senator Cowin, by two-thirds vote **CS for HB 1447** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brown-Waite	Crist	Latvala
Burt	Diaz de la Portilla	Laurent
Campbell	Dyer	Lawson
Carlton	Futch	Lee
Clary	Garcia	Miller
Constantine	Holzendorf	Mitchell
Cowin	Klein	Peaden

Posey	Sebesta	Wasserman Schultz
Pruitt	Sullivan	Webster
Saunders	Villalobos	Wise

Nays—None

Vote after roll call:

Yea—Geller, Jones, King, Rossin, Sanderson

THE PRESIDENT PRESIDING

On motion by Senator Campbell, by two-thirds vote **CS for HB 795** was withdrawn from the Committee on Judiciary.

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

CS for HB 795—A bill to be entitled An act relating to wrongful death; amending s. 768.21, F.S.; specifying conditions for the determination of whether there is a surviving spouse under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 2144** as amended and by two-thirds vote read the second time by title.

SENATOR ROSSIN PRESIDING

On motion by Senator Campbell, by two-thirds vote **CS for HB 795** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brown-Waite	Garcia	Peaden
Burt	Holzendorf	Posey
Campbell	Jones	Pruitt
Carlton	Klein	Saunders
Clary	Latvala	Silver
Constantine	Laurent	Smith
Cowin	Lee	Sullivan
Crist	Meek	Villalobos
Dyer	Miller	Wasserman Schultz
Futch	Mitchell	Webster

Nays—1

Sebesta

Vote after roll call:

Yea—Diaz de la Portilla, King, Lawson, Rossin, Sanderson, Wise

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SB 1998—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; requiring that the community service imposed for certain violations be performed in specified areas; providing an effective date.

—was read the third time by title.

On motion by Senator Miller, **SB 1998** was passed and certified to the House. The vote on passage was:

Yeas—31

Brown-Waite	Futch	Miller
Burt	Garcia	Mitchell
Campbell	Holzendorf	Peaden
Carlton	Jones	Posey
Clary	Klein	Pruitt
Constantine	Latvala	Saunders
Cowin	Laurent	Sebesta
Crist	Lee	Smith
Dyer	Meek	Sullivan
Villalobos	Webster	Wise
Wasserman Schultz		

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, King, Lawson, Rossin, Sanderson

On motion by Senator Peaden, by two-thirds vote **HB 949** was withdrawn from the Committees on Criminal Justice; and Children and Families.

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

HB 949—A bill to be entitled An act relating to sexually violent offenders; amending s. 394.913, F.S.; requiring the agency with jurisdiction over a person convicted of a sexually violent offense to provide earlier notice of the offender's anticipated release; revising the time for preparing the assessment as to whether the offender is a sexually violent predator; amending s. 394.917, F.S.; requiring detainees to be segregated from other patients; amending s. 394.929, F.S.; revising a catchline; providing an effective date.

—a companion measure, was substituted for **CS for SB 1824** and read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 949** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brown-Waite	Geller	Posey
Burt	Holzendorf	Pruitt
Campbell	Jones	Saunders
Carlton	Klein	Sebesta
Clary	Latvala	Sullivan
Constantine	Laurent	Villalobos
Cowin	Lee	Wasserman Schultz
Crist	Meek	Webster
Dyer	Miller	Wise
Futch	Mitchell	
Garcia	Peaden	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, King, Rossin, Sanderson, Smith

CS for SB 306—A bill to be entitled An act relating to unlawful activities involving driver's licenses and identification cards; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of such license or such card; providing a penalty; authorizing investigations of violations of this section; providing an effective date.

—as amended March 18 was read the third time by title.

On motion by Senator Burt, **CS for SB 306** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Brown-Waite	Futch	Miller
Burt	Garcia	Mitchell
Campbell	Geller	Peaden
Carlton	Jones	Posey
Clary	Klein	Pruitt
Constantine	Latvala	Saunders
Cowin	Laurent	Sebesta
Crist	Lee	Smith
Dyer	Meek	Sullivan

Villalobos	Webster	Wise
Wasserman Schultz		

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, King, Lawson, Rossin, Sanderson

SB 1600—A bill to be entitled An act relating to public records; creating ss. 458.353, 459.028, F.S.; providing exemptions from public-records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **SB 1600** was passed and certified to the House. The vote on passage was:

Yeas—23

Brown-Waite	Klein	Pruitt
Carlton	Latvala	Saunders
Clary	Laurent	Sebesta
Constantine	Lee	Sullivan
Cowin	Meek	Wasserman Schultz
Crist	Miller	Webster
Geller	Peaden	Wise
Holzendorf	Posey	

Nays—9

Burt	Futch	Mitchell
Campbell	Garcia	Smith
Dyer	Jones	Villalobos

Vote after roll call:

Yea—Diaz de la Portilla, King, Lawson, Sanderson

Nay—Rossin

Yea to Nay—Brown-Waite, Meek

HB 585—A bill to be entitled An act relating to the Florida Uniform Principal and Income Act; creating ss. 738.101, 738.102, 738.103, 738.104, 738.1041, 738.105, 738.201, 738.202, 738.301, 738.302, 738.303, 738.401, 738.402, 738.403, 738.501, 738.502, 738.503, 738.504, 738.601, 738.602, 738.603, 738.604, 738.605, 738.606, 738.607, 738.608, 738.701, 738.702, 738.703, 738.704, 738.705, 738.706, 738.801, 738.802, 738.803, and 738.804, F.S.; providing a short title; providing definitions; specifying a fiduciary's duties; providing general principles; providing a trustee's power to adjust between principal and income; providing for a unitrust alternative to certain trusts where the power to adjust is unavailable or not exercised; providing requirements, criteria, and procedures; providing for judicial control of certain discretionary powers; providing limitations; providing for determinations and distributions of net income; providing requirements; providing for distributions to residuary and remainder beneficiaries; providing for apportionment at beginning and end of an income interest; providing for entitlement to a right to income; providing for apportionment of receipts and disbursements under certain circumstances; providing for allocation of trust receipts during administration; specifying character of receipts; providing for distributions from trust or estate; providing for separate accounting by trustee of certain businesses or activities; providing for allocation of certain receipts not normally apportioned; providing for allocation of certain normally apportioned receipts; providing for allocation of disbursements from income and principal during administration of a trust; providing for certain transfers from income under certain circumstances; providing for payment of certain taxes; providing for adjustments between principal and income due to taxes; providing for uniform application and construction; providing severability; providing for application with respect to apportionment of expenses and improvements; providing for application; repealing ss. 738.01, 738.02, 738.03, 738.04, 738.05, 738.06, 738.07, 738.08, 738.09, 738.10, 738.11, 738.12, 738.13, 738.14, and 738.15, F.S., relating to principal and income of trusts; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **HB 585** was passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Constantine, King, Lawson, Rossin, Sanderson

CS for HB 715—A bill to be entitled An act relating to transportation; creating s. 70.20, F.S.; providing for a process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; defining "relocation and reconstruction agreement"; providing for compensation to sign owners under certain conditions; requiring a study by the Office of Program Policy Analysis and Government Accountability and requiring a report to the Legislature; amending s. 163.3180, F.S.; extending the period within which certain transportation facilities needed to serve new development must be in place or under actual construction; amending s. 334.044, F.S.; authorizing the Department of Transportation to expend funds to promote scenic highways; authorizing the department to delegate to other governmental entities the authority to issue drainage permits under certain circumstances; amending s. 339.135, F.S.; providing a 5-year commitment for projects on the Florida Intrastate Highway System; amending s. 479.15, F.S.; defining "federal-aid primary highway system" for purposes of provisions governing the alteration of certain lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements with the department which allow outdoor signs to be erected above sound barriers; providing an effective date.

—was read the third time by title.

Senator Campbell moved the following amendment which failed:

Amendment 1 (092352)—On page 6, between lines 26 and 27, insert:

(13) This section does not supersede, invalidate, or otherwise abrogate any local ordinance or regulation adopted by a home rule charter county with a population of 1.6 million or more which regulates signs described in subsection (9) or any such ordinance or regulation adopted by the largest municipality within such charter county.

(Renumber subsequent subsections.)

Senator Silver moved the following amendment which failed:

Amendment 2 (404836)—On page 7, between lines 8 and 9, insert:

(14) This section does not apply to a constitutional home rule charter county or a municipality located within such a county.

On motion by Senator Latvala, **CS for HB 715** was passed and certified to the House. The vote on passage was:

Yeas—29

Brown-Waite	Campbell	Clary
Burt	Carlton	Constantine

Cowin	Latvala	Sanderson
Crist	Laurent	Sebesta
Dyer	Lawson	Smith
Futch	Lee	Sullivan
Geller	Miller	Wasserman Schultz
Holzendorf	Mitchell	Webster
King	Peaden	Wise
Klein	Posey	

Nays—8

Diaz de la Portilla	Meek	Silver
Garcia	Pruitt	Villalobos
Jones	Saunders	

Vote after roll call:

Nay—Rossin

Yea to Nay—Campbell, Smith

SB 2274—A bill to be entitled An act designating September 11 of each year as "Florida Rescue Workers' Day"; creating section 683.26, F.S.; providing an effective date.

—as amended March 18 was read the third time by title.

On motion by Senator Jones, **SB 2274** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

SB 626—A bill to be entitled An act relating to the misuse of hand-held laser lighting devices; creating s. 784.062, F.S.; defining the term "laser lighting device"; providing that it is a second degree misdemeanor to knowingly and willfully shine the beam of a laser lighting device at a law enforcement officer in such a manner as to cause the law enforcement officer to believe that a firearm is pointed at him or her; providing a penalty; providing an effective date.

—as amended March 18 was read the third time by title.

On motion by Senator Saunders, **SB 626** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Rossin

SB 2130—A bill to be entitled An act relating to registered contractors; amending s. 489.118, F.S.; providing for the grandfathering of certain contractors who have passed certain oral examinations; providing an effective date.

—as amended March 18 was read the third time by title.

On motion by Senator Lawson, **SB 2130** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Laurent, Rossin

CS for CS for HB 457—A bill to be entitled An act relating to road and bridge designations; designating the new U.S. Highway 27 bridge in the City of Moore Haven as the "Mamie Langdale Memorial Bridge"; designating the old Nassau Sound Bridge in Nassau and Duval Counties as the "George Crady Bridge"; designating bridge number 550122 in Tallahassee as the "Veterans Memorial Bridge"; designating a portion of U.S. Highway 17 as the "Doyle Parker Memorial Highway"; designating a portion of State Road 77 as the "Lynn Haven Parkway"; designating the New River Bridge in Bradford and Union Counties as the "John S. 'Steve' Dennard Bridge"; designating a portion of State Road 121 as the "Ed Fraser Memorial Highway"; designating a portion of State Road 16 as the "Correctional Officers Memorial Highway"; designating a portion of U.S. Highway 41 in White Springs as the "Martin Luther King, Jr., Memorial Highway"; designating a portion of Interstate 75 as the "Purple Heart Memorial Highway"; dedicating the new Rose Bay bridges between the Cities of New Smyrna Beach and Port Orange to honor U.S. military POW's and MIA's; designating a portion of State Road 100 in Flagler County as "Veterans Memorial Highway"; designating a portion of U.S. Highway 17 as the "Jerome A. Williams Memorial Highway"; designating the "Korean War Veterans Memorial Highway" in Seminole County; designating a portion of Semoran Boulevard in the City of Orlando, Orange County, as "Toni Jennings Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—as amended March 18 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sebesta, the Senate reconsidered the vote by which **Amendment 1 (102068)** as amended was adopted March 18.

Senators Sebesta and Holzendorf offered the following amendment to **Amendment 1** which was moved by Senator Sebesta and adopted by two-thirds vote:

Amendment 1F (880190)(with title amendment)—On page 11, between lines 25 and 26, insert:

Section 39. *Johnnie Mae Chappell Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) The portion of Edgewood Avenue West in Duval County between Moncrief Road and U.S. 1 is hereby designated "Johnnie Mae Chappell Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating "Johnnie Mae Chappell Memorial Highway" as described in subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 14, line 19, after the semicolon (;) insert: designating a portion of Edgewood Avenue West in Duval County as "Johnnie Mae Chappell Memorial Highway";

On motion by Senator Sebesta, further consideration of **CS for CS for HB 457** with pending **Amendment 1 (102068)** as amended was deferred.

Consideration of **HB 1993** was deferred.

CS for SB 1714—A bill to be entitled An act relating to nursing homes; requiring the Agency for Health Care Administration to conduct a pilot project to demonstrate the use of electronic monitoring equipment in nursing homes; establishing requirements for nursing homes participating in the pilot project; establishing procedures for the use of electronic monitoring equipment; specifying who may request electronic monitoring; providing for conditional consent to electronic monitoring; providing for review of tapes documenting questionable activity; prohibiting the admission of tapes as evidence in civil litigation against a nursing home, a licensed health care practitioner, or staff of a nursing home; providing for rebasing of Medicaid costs; requiring the Agency for Health Care Administration to convene an advisory panel; requiring a report; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 1714** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

Consideration of **CS for SB 2302** was deferred.

CS for HB 1225—A bill to be entitled An act relating to motor vehicle racing contests; amending s. 316.191, F.S.; revising provisions prohibiting specified contests and competitions in a motor vehicle; revising penalties for violation; providing penalties for certain participation in such contests or competitions; providing for impounding vehicle; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Smith, **CS for HB 1225** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

Consideration of **CS for SB 2084** was deferred.

CS for HB 1407—A bill to be entitled An act relating to security of public buildings; amending s. 20.201, F.S.; creating the Capitol 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; providing transfer of funds; 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.; 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.

—was read the third time by title.

On motion by Senator Garcia, **CS for HB 1407** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Brown-Waite, Futch, Rossin

CS for SB 2262—A bill to be entitled An act relating to the Florida Fair Lending Act; providing a short title; providing legislative findings; providing definitions; specifying prohibited acts relating to high-cost home loans; specifying required disclosures for high-cost home loans; specifying liability of purchasers and assignees; requiring lenders of high-cost home loans to provide notice to borrowers prior to taking foreclosure actions; allowing the borrower to cure the default; providing administration and enforcement powers and duties of the Department of Banking and Finance; authorizing the department to conduct investigations and examinations; providing for complaints; authorizing the department to bring actions for injunctions; providing for issuance of subpoenas; authorizing the department to issue and serve cease and desist orders for certain purposes; authorizing the department to impose certain fines under certain circumstances; specifying effect; authorizing the department to adopt rules; providing that a lender who violates this act forfeits the interest in the high-cost home loan; providing that certain unintentional good-faith errors are not deemed violations of the act; preempting regulation of high-cost home loans to the state; providing severability; providing an effective date.

—as amended March 19 was read the third time by title.

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

Amendment 1 (653500)—On page 15, line 22, after "*chapter*" insert: *, except entities licensed under section 537.004, Florida Statutes*

Amendment 2 (550676)(with title amendment)—On page 16, between lines 20 and 21, insert:

Section 11. *Effective October 1, 2002, all credit insurance enrollment forms must be approved by the Department of Insurance pursuant to the provisions of sections 627.410 or 627.682, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30, after the second semicolon (;) insert: directing the Department of Insurance to approve specified enrollment forms;

STATEMENT OF INTENT REGARDING AMENDMENT 2 (550676)

This amendment provides additional consumer protections in credit life transactions by requiring that all credit insurance enrollment forms must be submitted and approved by the Florida Department of Insurance. Enrollment forms are increasingly being used in credit life and similar transactions. Currently, Florida law does not require enrollment forms to be submitted or pre-approved by the Florida Department of Insurance.

Kendrick B. Meek District 36

On motion by Senator Meek, **CS for SB 2262** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Posey, Rossin

CS for SB 2108—A bill to be entitled An act designating public facilities and roads; designating the renovated transplant housing unit at the University of Florida's Shands Hospital as the "Gerold L. Schiebler/Shands Transplant Housing Complex"; designating the School of Business and Industry building at Florida Agricultural and Mechanical University as the "Sybil C. Mobley Business Building"; designating the new allied health building at Florida Agricultural and Mechanical University as the "Jacqueline B. Beck-Margaret W. Lewis Allied Health Building"; designating the architecture building at Florida Agricultural and Mechanical University as the "Walter L. Smith Architecture Building"; designating the building that houses the University of Central Florida Downtown Center as the "James and Annie Ying Academic Center"; designating the student/community educational facility for health at Florida Gulf Coast University as the "Kleist Health Education Center"; designating the new gymnasium/athletics facility at Florida Gulf Coast University as the "Alico Arena"; designating the new demonstration and education model building to promote environmentally sustainable living conditions at Florida Gulf Coast University as the "WCI Green Building Demonstration and Learning Center"; designating the new foundation building to be erected on the Palmer Campus of New College as the "Keating Center"; designating the new nursing building on the Boca Raton Campus of Florida Atlantic University as the "Christine E. Lynn Nursing Building"; designating a building in Fort Myers as the "Joseph P. D'Alessandro Office Complex"; designating the two east-west roads on the north and south sides of the Esplanade leading to the John and Mable Ringling Museum of Art in Sarasota between Bayshore Road and U.S. Highway 41 as the John McKay Boulevard of the Cultural Arts; designating the proposed entrance pavilion for the John and Mable Ringling Museum of Art as the John McKay Center for the Arts; requiring certain universities and the Department of Transportation to erect markers; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Saunders, **CS for SB 2108** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

The Senate resumed consideration of—

CS for CS for HB 457—A bill to be entitled An act relating to road and bridge designations; designating the new U.S. Highway 27 bridge in the City of Moore Haven as the "Mamie Langdale Memorial Bridge"; designating the old Nassau Sound Bridge in Nassau and Duval Counties as the "George Crady Bridge"; designating bridge number 550122 in Tallahassee as the "Veterans Memorial Bridge"; designating a portion of U.S. Highway 17 as the "Doyle Parker Memorial Highway"; designating a portion of State Road 77 as the "Lynn Haven Parkway"; designating the New River Bridge in Bradford and Union Counties as the "John S. 'Steve' Dennard Bridge"; designating a portion of State Road 121 as the "Ed Fraser Memorial Highway"; designating a portion of State Road 16 as the "Correctional Officers Memorial Highway"; designating a portion of U.S. Highway 41 in White Springs as the "Martin Luther King, Jr., Memorial Highway"; designating a portion of Interstate 75 as the "Purple Heart Memorial Highway"; dedicating the new Rose Bay bridges between the Cities of New Smyrna Beach and Port Orange to honor U.S. military POW's and MIA's; designating a portion of State Road 100 in Flagler County as "Veterans Memorial Highway"; designating a portion of U.S. Highway 17 as the "Jerome A. Williams Memorial Highway"; designating the "Korean War Veterans Memorial Highway" in Seminole County; designating a portion of Semoran Boulevard in the City of Orlando, Orange County, as "Toni Jennings Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 1 (102068)** as amended.

RECONSIDERATION OF AMENDMENT

On motion by Senator Silver, the Senate reconsidered the vote by which **Amendment 1D (642850)** failed March 18. **Amendment 1D** was adopted by two-thirds vote.

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

On motion by Senator Sebesta, **CS for CS for HB 457** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Rossin

On motion by Senator Holzendorf, by two-thirds vote **CS for HB 1475** was withdrawn from the Committees on Regulated Industries; Commerce and Economic Opportunities; and Judiciary.

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

CS for HB 1475—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 application; providing an effective date.

—a companion measure, was substituted for **CS for SB 2084** and by two-thirds vote read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for HB 1475** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crist, Rossin, Sanderson

CS for SB 2192—A bill to be entitled An act relating to solvency of insurers and health maintenance organizations; amending s. 624.404, F.S.; revising a definition; amending s. 624.80, F.S.; revising a definition; amending s. 624.81, F.S.; providing for effect of certain department orders; specifying that certain requests stay certain actions; specifying authority of the Department of Insurance relating to certain notice requirements; authorizing the department to adopt certain rules; amending s. 624.84, F.S.; specifying that certain requests do not stay certain actions; amending s. 625.041, F.S.; revising the liabilities that a workers' compensation insurer must include on its financial statements; amending s. 627.481, F.S.; revising the requirements for minimum assets, reserves, and investments for entities authorized to enter into donor annuity agreements; amending s. 641.26, F.S.; revising certain annual report requirements; amending s. 641.35, F.S.; specifying inclusion of certain losses and claims under liabilities of a health maintenance organization under certain circumstances; providing an exception; providing for the investment of funds of a health maintenance organization in excess of certain reserves and surplus under certain circumstances; providing a limitation; amending s. 641.365, F.S.; revising limitations on certain dividend payments or distributions to stockholders by a health maintenance organization; specifying criteria for making payments, declaring dividends, or making distributions; specifying criteria for department approval of certain dividends or distributions; amending s. 641.19,

F.S.; defining the term "health care risk contract"; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Sanderson, **CS for SB 2192** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

CS for SB 2202—A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida; amending s. 240.512, F.S.; assigning duties of the Board of Regents to the Florida Board of Education; providing for the utilization and governance of lands; revising provisions relating to corporate subsidiaries of the not-for-profit corporation; providing for applicability of sovereign immunity provisions; providing for the receipt of local funds; revising provisions relating to insurance protection; assigning duties of the center director to a chief executive officer; requiring approval of the University of South Florida Board of Trustees for establishment of academic programs; authorizing the creation and support of an interdisciplinary oncology program; providing for access to certain research information; providing for appropriations to be paid to the board of directors of the not-for-profit corporation; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **CS for SB 2202** was passed and certified to the House. The vote on passage was:

Yeas—36

Brown-Waite	Holzendorf	Posey
Burt	Jones	Pruitt
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

Nays—None

Vote after roll call:

Yea—Geller, Rossin

HB 281—A bill to be entitled An act relating to public records and public meeting exemptions for the Department of Insurance regarding risk-based capital information; amending s. 624.40851, F.S., which provides an exemption from public records requirements for certain risk-based capital information held by the Department of Insurance and from public meeting requirements for hearings conducted by the department relating to actions regarding such information; reenacting such exemptions and removing the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; clarifying language; providing an effective date.

—as amended March 19 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Posey, the Senate reconsidered the vote by which **Amendment 1 (955744)** was adopted March 19. **Amendment 1** was withdrawn.

On motion by Senator Posey, **HB 281** was passed and certified to the House. The vote on passage was:

Yeas—36

Brown-Waite	Geller	Posey
Burt	Jones	Pruitt
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

Nays—None

Vote after roll call:

Yea—Holzendorf, Rossin

On motion by Senator Pruitt, by two-thirds vote **CS for HB 1487** was withdrawn from the Committees on Regulated Industries; Governmental Oversight and Productivity; and Rules and Calendar.

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

CS for HB 1487—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information received by a taxing authority or its agency in connection with certain audits of the records of a provider of telecommunication services; providing for review and repeal of the exemption; providing that the act is remedial and applies regardless of when the audit was begun; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1406** and by two-thirds vote read the second time by title. On motion by Senator Pruitt, by two-thirds vote **CS for HB 1487** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Campbell

Vote after roll call:

Yea—Carlton

Nay—Rossin

Consideration of **CS for CS for SB 1550** was deferred.

CS for CS for SB 1156—A bill to be entitled An act relating to students having a disability; creating s. 232.2464, F.S.; providing a definition; providing eligibility for accommodations in taking the Florida Comprehensive Assessment Test or the High School Competency Test required for high school graduation; directing the Governor to appoint a validity panel to make recommendations on the impacts of specific accommodations; providing requirements for eligibility for a standard high school diploma; providing for adoption of rules; providing for funding for accommodations; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 1156** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

CS for CS for SB 1550—A bill to be entitled An act relating to child care; amending s. 402.3131, F.S.; increasing the introductory course requirement for operators of large family child care homes; requiring a competency examination upon successful completion of required training; providing for community college credit; amending s. 402.305, F.S.; revising minimum training requirements for child care personnel; requiring a competency examination upon successful completion of the required training; providing for community college credit; providing an automatic exemption from certain training requirements for personnel having specified degrees, credentials, courses, or waivers in specified areas; providing for an extension until 2004 to implement the child care facility director credential requirement; amending s. 402.313, F.S.; requiring a competency examination for operators of family day care homes upon successful completion of the required training; requiring the Department of Children and Family Services to establish standards by rule for training for family day care homes that have voluntarily chosen to be licensed or must be licensed due to county ordinance or resolution; authorizing the department to modify certain child care training requirements to provide for articulation into community college credit; amending s. 110.151, F.S.; authorizing the creation of public-private child care sites; providing an effective date.

—as amended March 19 was read the third time by title.

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

Amendment 1 (063846)—On page 8, line 6, after the period (.) insert: *The consortium agreement must first address the unmet child-care needs of the children of the public employees whose employers are members of the consortium, and then address the child-care needs of private-sector employees.*

On motion by Senator Silver, **CS for CS for SB 1550** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

CS for SB 364—A bill to be entitled An act relating to persons with developmental disabilities; amending s. 393.063, F.S.; redefining the term "retardation" to revise certain requirements for the standardized intelligence test used to make such determination; requiring that the Department of Children and Family Services adopt a rule for supported-living programs; amending s. 393.501, F.S.; requiring the Department of Children and Family Services to adopt rules for administering certain waivers and delivering services to persons who have developmental disabilities; amending s. 765.104, F.S.; authorizing a patient whose legal disability is removed to amend or revoke the recognition of a medical proxy and any uncompleted decision made by that proxy; specifying when the amendment or revocation takes effect; amending s. 765.401, F.S.; providing for health care decisions for persons having a developmental disability; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Peaden, **CS for SB 364** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Brown-Waite	Holzendorf	Posey
Burt	Jones	Pruitt
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
Garcia	Mitchell	Webster
Geller	Peaden	Wise

Nays—None

Vote after roll call:

Yea—Futch, Rossin

HB 219—A bill to be entitled An act relating to open house parties; amending s. 856.015, F.S.; revising definitions; prohibiting persons age 18 or older from allowing open house parties at any residence if alcoholic beverages or drugs are possessed or consumed by a minor; providing a penalty; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Futch, **HB 219** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Constantine, Peaden, Rossin, Wasserman Schultz

Consideration of **CS for SB 2132** was deferred.

On motion by Senator Sanderson, by two-thirds vote **HB 1575** was withdrawn from the Committees on Governmental Oversight and Productivity; and Appropriations.

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

HB 1575—A bill to be entitled An act relating to the Florida Retirement System; creating s. 121.4503, F.S.; creating the Florida Retirement System Contributions Clearing Trust Fund, to be administered by the Department of Management Services as a retirement clearing trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; providing an effective date.

—a companion measure, was substituted for **CS for SB 2134** as amended and by two-thirds vote read the second time by title. On motion by Senator Sanderson, by two-thirds vote **HB 1575** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—35

Brown-Waite	Holzendorf	Pruitt
Burt	Jones	Sanderson
Campbell	King	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
Geller	Posey	

Nays—None

Vote after roll call:

Yea—Carlton, Klein, Rossin

CS for SB's 1906 and 550—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that the membership of all local planning agencies or equivalent agencies that review comprehensive plan amendments and rezonings include a nonvoting representative of the district school board; amending s. 163.3177, F.S.; revising elements of comprehensive plans; revising provisions governing the regulation of intensity of use in the future land use map; providing for intergovernmental coordination between local governments and district school boards where a public-school-facilities element has been adopted; requiring certain local governments to prepare an inventory of service-delivery interlocal agreements; requiring local governments to provide the Legislature with recommendations regarding annexation; requiring local governments to consider water-supply data and analysis in their potable-water and conservation elements; repealing s. 163.31775, F.S., which provides for intergovernmental coordination element rules; creating s. 163.31776, F.S.; providing legislative intent and findings with respect to a public educational facilities element; providing for certain municipalities to be exempt; requiring that the public educational facilities element include certain provisions; providing requirements for future land-use maps; providing a process for adopting the public educational facilities element; creating s.163.31777, F.S.; requiring certain local governments and school boards to enter into a public schools interlocal agreement; providing a schedule; providing for the content of the interlocal agreement; providing a waiver procedure associated with school districts having decreasing student population; providing a procedure for adoption and administrative challenge; providing sanctions for the failure to enter an interlocal agreement; providing that a public school's interlocal agreement may only establish interlocal coordination procedures unless specific goals, objectives, and policies contained in the agreement are incorporated into the plan; amending s. 163.3180, F.S.; providing an exemption from concurrency for certain urban infill areas; amending s. 163.3184, F.S.; revising definitions; revising provisions governing the process for adopting comprehensive plans and plan amendments; amending s. 163.3187, F.S.; conforming a cross-reference; authorizing the adoption of a public educational facilities element, notwithstanding certain limitations; amending s. 163.3191, F.S., relating to evaluation and appraisal of comprehensive plans; conforming provisions to changes made by the act; requiring an evaluation of whether the potable-water element considers the appropriate water management district's regional water supply plan and includes a workplan for building new water supply facilities; requiring local governments within coastal high-hazard areas to address certain issues in the evaluation and appraisal of their comprehensive plans; 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"; creating s. 163.3246, F.S.; creating a Local Government Comprehensive Planning certification Program to be administered by the Department of Community Affairs; defining the purpose of the certification area to designate areas that are appropriate for urban growth within a 10-year timeframe; providing for certification criteria; specifying the contents of the certification agreement; providing evaluation criteria; authorizing the Department of Community Affairs to adopt procedural rules; providing for the revocation of certification agreements; providing for the rights of affected persons to challenge local government compliance with certification agreements; eliminating state and regional review of certain local comprehensive plan amendments within certified areas; providing exceptions; providing for the periodic review of a local government's certification by the Department of Community Affairs; requiring the submission of biennial reports to the Governor and Legislature; providing for review of the certification program by the Office of Program Policy Analysis and Government Accountability; amending s. 186.504, F.S.; adding an elected school board member to the membership of each regional planning council; amending s. 212.055, F.S.; providing for the levy of the infrastructure sales surtax and the school capital outlay surtax by a two-thirds vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; providing for the uses of the surtax proceeds; amending s. 235.002, F.S.; revising legislative intent; reenacting and amending s. 235.15, F.S.; revising requirements for educational plant surveys; revising requirements for review and validation of such surveys; amending s. 235.175, F.S.; requiring school districts to adopt educational facilities plans; amending s. 235.18, F.S., relating to capital outlay budgets of school boards; conforming provisions; amending s. 235.185, F.S.; requiring school district educational facilities plans; providing definitions; specifying projections and other information to be included in the plans; providing requirements for the plans; requiring district school boards to submit a tentative plan to the local government; providing for adopting and executing the plans; creating s. 235.1851, F.S.; providing legislative intent; authorizing the creation of educational facilities benefit districts pursuant to interlocal agreement; providing for creation of an educational facilities benefit district through adoption of an ordinance; specifying content of such ordinances; providing for the creating entity to be the local general purpose government within whose

boundaries a majority of the educational facilities benefit district's lands are located; providing that educational facilities benefit districts may only be created with the consent of the district school board, all affected local general purpose governments, and all landowners within the district; providing for the membership of the governing boards of educational facilities benefit districts; providing the powers of educational facilities benefit districts; authorizing community development districts, created pursuant to ch. 190, F.S., to be eligible for financial enhancements available to educational facilities benefit districts; conditioning such eligibility upon the establishment of an interlocal agreement; creating s. 235.1852, F.S.; providing funding for educational facilities benefit districts and community development districts; creating s. 235.1853, F.S.; providing for the utilization of educational facilities built pursuant to this act; amending s. 235.188, F.S.; conforming provisions; amending s. 235.19, F.S.; providing that site planning and selection must be consistent with interlocal agreements entered between local governments and school boards; amending s. 235.193, F.S.; requiring school districts to enter certain interlocal agreements with local governments; providing a schedule; providing for the content of the interlocal agreement; providing a waiver procedure associated with school districts having decreasing student population; providing a procedure for adoption and administrative challenge; providing sanctions for failure to enter an agreement; providing that a public school's interlocal agreement may not be used by a local government as the sole basis for denying a comprehensive plan amendment or development order; providing requirements for preparing a district educational facilities report; repealing s. 235.194, F.S., relating to the general educational facilities report; amending s. 235.218, F.S.; requiring the SMART Schools Clearinghouse to adopt measures for evaluating the school district educational facilities plans; amending s. 235.2197, F.S.; correcting a statutory cross-reference; amending ss. 235.321, 236.25, F.S.; conforming provisions; amending s. 380.04, F.S.; revising the definition of "development" with regard to operations that do not involve development to include federal interstate highways and the transmission of electricity within an existing right-of-way; amending s. 380.06, F.S., relating to developments of regional impact; removing a rebuttable presumption with respect to application of the statewide guidelines and standards and revising the fixed thresholds; providing for designation of a lead regional planning council; providing for submission of biennial, rather than annual, reports by the developer; authorizing submission of a letter, rather than a report, under certain circumstances; providing for amendment of development orders with respect to report frequency; revising provisions governing substantial deviation standards for developments of regional impact; providing that an extension of the date of buildout of less than 6 years is not a substantial deviation; providing that certain renovation or redevelopment of a previously approved development of regional impact is not a substantial deviation; providing a statutory exemption from the development-of-regional-impact process for petroleum storage facilities and certain renovation or redevelopment; amending s. 380.0651, F.S.; revising the guidelines and standards for office development, and retail and service development; providing application with respect to developments that have received a development-of-regional-impact development order or that have an application for development approval or notification of proposed change pending; amending s. 163.3194, F.S.; providing that a local government shall not deny an application for a development approval for a requested land use for certain approved solid waste management facilities that have previously received a land use classification change allowing the requested land use on the same property; providing legislative intent with respect to the inapplicability of specified portions of the act to pending litigation or future appeals; providing a legislative finding that the act is a matter of great public importance; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Peaden, **CS for SB's 1906 and 550** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Carlton, Klein, Rossin

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.

—was read the third time by title.

On motion by Senator Brown-Waite, **CS for CS for SB 2254** was passed and certified to the House. The vote on passage was:

Yeas—35

Brown-Waite	Holzendorf	Pruitt
Burt	Jones	Sanderson
Campbell	King	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
Geller	Posey	

Nays—None

Vote after roll call:

Yea—Carlton, Klein, Rossin

On motion by Senator Peaden, by two-thirds vote **HB 1689** was withdrawn from the Committees on Children and Families; and Appropriations.

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

HB 1689—A bill to be entitled An act relating to the administrative establishment of child support; 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 for statewide application of the procedures established under the pilot program; 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; requiring an evaluation of the administrative process for establishing child-support obligations; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation of the statewide implementation of the administrative processes for child support; requiring a report by January 31, 2005; providing legislative intent regarding support for administrative child-support process; directing the Department of Revenue to study the feasibility of an administrative process for the establishment of paternity in Title IV cases; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2012** as amended and by two-thirds vote read the second time by title. On

motion by Senator Peaden, by two-thirds vote **HB 1689** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Brown-Waite	Jones	Pruitt
Burt	King	Sanderson
Campbell	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
Geller	Posey	

Nays—None

Vote after roll call:

Yea—Carlton, Rossin

HB 2011—A bill to be entitled An act relating to the lottery; amending s. 24.121, F.S.; providing rules for the allocation of lottery revenues and expenditure of funds for public education; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **HB 2011** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Carlton, Posey, Rossin

SB 412—A bill to be entitled An act relating to managed care ombudsman committees; creating s. 641.64, F.S.; providing definitions; amending s. 641.65, F.S., relating to district managed care ombudsman committees; requiring the formation of a managed care ombudsman committee in each district of the Agency for Health Care Administration; modifying membership and manner of appointment of committee members; specifying that committee members serve in a voluntary capacity; specifying that committees are to assist in resolving complaints only at the request of an enrollee of a managed care program; eliminating authorization for committees to conduct site visits with the agency; authorizing committees to assist enrollees in appeals of unresolved grievances to the Subscriber Assistance Panel; specifying additional responsibilities for committees; requiring committee members to be screened; requiring training for committee members; prohibiting specified conflicts of interest; amending s. 641.70, F.S.; requiring the Agency for Health Care Administration to adopt rules relating to conflicts of interest for district managed care ombudsman committees; requiring the Agency for Health Care Administration to conduct a public awareness campaign, establish standardized training, and assist in recruiting and retaining managed care ombudsmen; amending s. 641.75, F.S., relating to immunity from liability and limitation on testimony for managed care ombudsman committees; removing references to the statewide committee; conforming cross-references; repealing s. 641.60, F.S., relating to the Statewide Managed Care Ombudsman Committee; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 412** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Carlton, Rossin

HB 285—A bill to be entitled An act relating to a public records exemption for certain victim and witness information; amending s. 914.27, F.S., which provides an exemption from public records requirements for certain information regarding a victim or witness who has been identified or certified for protective services or relocation services; reenacting such exemption and removing the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; clarifying language; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 285** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crist, Rossin

CS for CS for SB 990—A bill to be entitled An act relating to business regulation; amending s. 509.032, F.S.; providing for annual rather than biannual inspections of transient and nontransient apartments; revising notice and license requirements for temporary food service events; amending s. 509.039, F.S.; revising requirements for testing and certification of food service managers; amending s. 509.251, F.S.; excluding certain fees from the maximum aggregate license fee for public food service establishments; amending s. 509.291, F.S.; providing for increased coordination and consultation among the Secretary of Business

and Professional Regulation, the Division of Hotels and Restaurants, and the advisory council; amending s. 509.302, F.S.; increasing the annual fee collected for the purpose of funding the Hospitality Education Program; amending s. 399.01, F.S.; revising and removing definitions; requiring that elevator service maintenance contracts be made available to the Department of Business and Professional Regulation upon request for oversight purposes; revising qualifications for an elevator certificate of competency; amending s. 399.02, F.S.; providing that each elevator owner is responsible for inspections and correction of code deficiencies; eliminating a requirement that the department review service maintenance contracts and determine whether they ensure safe operation; amending s. 399.03, F.S.; revising requirements relating to the design, installation, and alteration of conveyances; providing additional requirements for issuance of elevator permits; revising reporting requirements; providing requirements for temporary operation inspections; amending s. 399.049, F.S.; revising grounds for suspension or revocation of certification or registration; amending s. 399.061, F.S.; eliminating the requirement that annual inspections be conducted through third-party inspection services; revising reporting requirements relating to service maintenance contracts; revising requirements relating to the correction of violations; amending s. 399.07, F.S.; extending the period of validity of certificates of operation from 1 to 2 years; revising fee provisions to conform; amending s. 399.105, F.S.; providing administrative fines for violations relating to reporting, operating a sealed elevator, and complying with correction orders; eliminating a restriction on the issuance of an administrative fine relating to commencing installation without a construction permit; amending s. 399.106, F.S.; correcting a reference; amending s. 399.125, F.S.; eliminating the requirement to report elevator incidents; amending s. 399.13, F.S.; allowing municipalities or counties that assume elevator inspection duties to hire private inspectors to conduct inspections; creating s. 473.3125, F.S.; requiring the Board of Accountancy to require, by rule, licensees to undergo periodic peer review as a condition of license renewal; providing requirements for the rules governing peer review; providing immunity from liability for any action taken in good faith by a certified public accountant as a member of a review committee; providing immunity from liability for a certified public accountant or other individual who performs administrative services for a review committee in good faith, without malice, and on the basis of facts reasonably known to exist; amending s. 473.323, F.S.; authorizing the board to take disciplinary action against a licensee who fails to provide documentation of a satisfactory peer review; amending ss. 471.003, 471.0035, 471.005, 471.007, 471.013, 471.015, 471.019, 471.0195, 471.021, 471.023, 471.025, 471.027, 471.031, 471.033, 471.037, F.S.; revising provisions applying to registered professional engineers to apply to licensed professional engineers; providing an effective date.

—as amended March 19 was read the third time by title.

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

Amendment 1 (501348)—On page 6, lines 20-23, delete those lines and insert: establishments regulated under this chapter. *The standards adopted by the division shall be consistent with the Standards for Accreditation of Food Protection Manager Certification Programs adopted by the Conference for Food Protection.*

Amendment 2 (853502)—On page 7, lines 3-9, delete those lines and insert: approved test and certify *all test* ~~the~~ results ~~of those tests~~ to the division. *Other organizations offering programs that meet the same requirements may also conduct approved tests and certify all test results to the division. The division may charge the organization it contracts with a fee of not more than $5 per certified test to cover the administrative costs of the division for the food service*

Amendment 3 (223032)—On page 24, lines 4 and 5, delete those lines and insert:

(2) *The division may employ state elevator inspectors to inspect an elevator whenever necessary to ensure its safe operation.* The division may *also*

Amendment 4 (875348)(with title amendment)—On page 47, between lines 9 and 10, insert:

Section 33. Subsection (1) of section 509.036, Florida Statutes, is amended to read:

509.036 Public food service inspector standardization.—

(1) Any person performing required inspections of licensed public food service establishments for the division or its agent must:

(a) Be standardized by a food service evaluation officer certified by the federal Food and Drug Administration;

(b) Pass *an approved* ~~the~~ food protection practices test *as* prescribed by s. 509.039; and

(c) Pass a written examination to demonstrate knowledge of the laws and rules which regulate public food service establishments.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 2, after the semicolon (;) insert: amending s. 509.036, F.S.; conforming a reference;

On motion by Senator Campbell, further consideration of **CS for CS for SB 990** as amended was deferred.

CS for SB 1262—A bill to be entitled An act relating to public health; amending s. 381.0011, F.S.; revising the rulemaking authority of the Department of Health with respect to its power to impose quarantine, including requiring vaccination; amending s. 381.00315, F.S.; defining the terms "public health advisory" and "public health emergency"; specifying the terms under which a public health emergency is declared; providing for consultation for, notice, and duration of a declaration of a public health emergency; authorizing the State Health Officer to take specified actions upon the declaration of a public health emergency relating to shipping of specified drugs, directing the compounding of bulk prescription drugs, and specifying the use of such drugs; authorizing the State Health Officer to reactivate the inactive licenses of certain practitioners who request such reactivation; authorizing the State Health Officer to order that an individual be examined, tested, vaccinated, treated, or quarantined for certain communicable diseases under specified circumstances; specifying benefits to be made available to volunteers acting under a public health emergency; amending s. 768.13, F.S.; providing immunity from civil damages under the Good Samaritan Act for actions taken in response to situations during a declared public health emergency; revising the circumstances under which immunity from civil damages is extended to actions taken by persons licensed to practice medicine; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 1262** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Rossin, Sanderson

Nay—Campbell, Villalobos

SB 2158—A bill to be entitled An act relating to sexually violent offenders; amending s. 775.15, F.S.; providing that certain evidence may

be used in a criminal proceeding or for the purpose of identification; creating s. 394.9215, F.S.; authorizing a person held in a secure facility under part V of ch. 394, F.S., to file a petition for habeas corpus; providing for a response and evidentiary proceeding; providing for appeal; prohibiting a person from filing a petition for habeas corpus in commitment proceedings; providing that the petitioner does not have a right to appointed counsel; requiring that the court grant relief in the least intrusive manner possible; prohibiting the court from releasing a petitioner unless it finds no other relief will remedy the violation of the petitioner's rights; amending s. 394.923, F.S.; providing that the Department of Legal Affairs and its officers and employees are immune from civil liability for good-faith conduct under part V of ch. 394, F.S.; amending s. 960.003, F.S.; providing for the testing of certain persons for HIV under certain circumstances; requiring the disclosure of the results of such a test within a proscribed time period; providing an effective date.

—as amended March 19 was read the third time by title.

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

Amendment 1 (821082)(with title amendment)—On page 3, lines 25-31 through page 8, lines 1-27, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 2-28, delete those lines and insert: An act relating to the involuntary civil commitment of sexually violent offenders; creating s. 394.9215, F.S.; authorizing a person held in a secure facility under part V of ch. 394, F.S., to file a petition for habeas corpus; providing for a response and evidentiary proceeding; providing for appeal; prohibiting a person from filing a petition for habeas corpus in commitment proceedings; providing that the petitioner does not have a right to appointed counsel; requiring that the court grant relief in the least intrusive manner possible; prohibiting the court from releasing a petitioner unless it finds no other relief will remedy the violation of the petitioner's rights; amending s. 394.923, F.S.; providing that the Department of Legal Affairs and its officers and employees are immune from civil liability for good-faith conduct under part V of ch. 394, F.S.; providing an effective date.

On motion by Senator Crist, **SB 2158** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

The Senate resumed consideration of—

CS for CS for SB 990—A bill to be entitled An act relating to business regulation; amending s. 509.032, F.S.; providing for annual rather than biannual inspections of transient and nontransient apartments; revising notice and license requirements for temporary food service events; amending s. 509.039, F.S.; revising requirements for testing and certification of food service managers; amending s. 509.251, F.S.; excluding certain fees from the maximum aggregate license fee for public food service establishments; amending s. 509.291, F.S.; providing for increased coordination and consultation among the Secretary of Business and Professional Regulation, the Division of Hotels and Restaurants, and the advisory council; amending s. 509.302, F.S.; increasing the annual fee collected for the purpose of funding the Hospitality Education Program; amending s. 399.01, F.S.; revising and removing definitions; requiring that elevator service maintenance contracts be made available to the Department of Business and Professional Regulation upon request for oversight purposes; revising qualifications for an elevator certificate of competency; amending s. 399.02, F.S.; providing that each elevator owner is responsible for inspections and correction of code deficiencies; eliminating a requirement that the department review service maintenance contracts and determine whether they ensure safe operation; amending s. 399.03, F.S.; revising requirements relating to the design, installation, and alteration of conveyances; providing additional requirements for issuance of elevator permits; revising reporting requirements; providing requirements for temporary operation inspections; amending s. 399.049, F.S.; revising grounds for suspension or revocation of certification or registration; amending s. 399.061, F.S.; eliminating the requirement that annual inspections be conducted through third-party inspection services; revising reporting requirements relating to service maintenance contracts; revising requirements relating to the correction of violations; amending s. 399.07, F.S.; extending the period of validity of certificates of operation from 1 to 2 years; revising fee provisions to conform; amending s. 399.105, F.S.; providing administrative fines for violations relating to reporting, operating a sealed elevator, and complying with correction orders; eliminating a restriction on the issuance of an administrative fine relating to commencing installation without a construction permit; amending s. 399.106, F.S.; correcting a reference; amending s. 399.125, F.S.; eliminating the requirement to report elevator incidents; amending s. 399.13, F.S.; allowing municipalities or counties that assume elevator inspection duties to hire private inspectors to conduct inspections; creating s. 473.3125, F.S.; requiring the Board of Accountancy to require, by rule, licensees to undergo periodic peer review as a condition of license renewal; providing requirements for the rules governing peer review; providing immunity from liability for any action taken in good faith by a certified public accountant as a member of a review committee; providing immunity from liability for a certified public accountant or other individual who performs administrative services for a review committee in good faith, without malice, and on the basis of facts reasonably known to exist; amending s. 473.323, F.S.; authorizing the board to take disciplinary action against a licensee who fails to provide documentation of a satisfactory peer review; amending ss. 471.003, 471.0035, 471.005, 471.007, 471.013, 471.015, 471.019, 471.0195, 471.021, 471.023, 471.025, 471.027, 471.031, 471.033, 471.037, F.S.; revising provisions applying to registered professional engineers to apply to licensed professional engineers; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Campbell, **CS for CS for SB 990** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

CS for SB 2172—A bill to be entitled An act relating to school advisory councils; amending s. 229.58, F.S.; requiring school advisory coun-

cils to adopt bylaws; requiring that the bylaws include procedures for establishing a quorum, requiring notice of meetings, and replacing members; requiring the district school board to annually review and approve the proposed bylaws; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding; providing an effective date.

—as amended March 19 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **CS for SB 2172** to **CS for HB 1661**.

Pending further consideration of **CS for SB 2172** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB 1661** was withdrawn from the Committees on Education; and Governmental Oversight and Productivity.

On motion by Senator Brown-Waite, the rules were waived and by two-thirds vote—

CS for HB 1661—A bill to be entitled An act relating to school advisory councils; amending s. 229.58, F.S.; requiring school advisory councils to adopt bylaws; requiring that the bylaws include procedures for establishing a quorum, requiring notice of meetings, and replacing members; authorizing the district school board to review the proposed bylaws; providing an effective date.

—a companion measure, was substituted for **CS for SB 2172** as amended and by two-thirds vote read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **CS for HB 1661** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Laurent, Rossin

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

—was read the third time by title.

On motion by Senator Burt, **CS for SB 1648** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Campbell

Vote after roll call:

Nay—Rossin

HB 935—A bill to be entitled An act relating to public records; amending s. 121.4501, F.S.; creating a public records exemption for personal identifying information regarding participants in the Public Employee Optional Retirement Program; providing an exception to the exemption; providng for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Sanderson, **HB 935** was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Campbell	Constantine

Vote after roll call:

Yea—Carlton

Nay—Rossin, Villalobos

CS for CS for SB 1974—A bill to be entitled An act relating to crime victims; creating s. 960.0021, F.S.; providing legislative findings; providing for an advisement from the court to the victim of a crime with respect to the rights of victims; providing for the display of a poster containing information concerning the rights of crime victims; requiring the Department of Legal Affairs to provide such posters to the courts; providing that such advisement is only for the benefit of crime victims; providing that failure to provide such advisement shall not affect the validity of any hearing, conviction, or sentence; providing that the circuit court administrator shall work in coordination with the clerk of the court; amending s. 960.001, F.S.; requiring the clerk of the court to make available certain information regarding enforcing liens and judgments; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Crist, **CS for CS for SB 1974** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

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

Nays—None

Vote after roll call:

Yea—Miller, Rossin

Consideration of **CS for SB 590** was deferred.

CS for SB 574—A bill to be entitled An act relating to establishing minimum flows and levels for springs; amending s. 373.042, F.S.; providing a schedule for completing establishment of minimum flows and levels; providing an exception; providing an effective date.

—was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 574** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

On motion by Senator Campbell, by two-thirds vote **CS for HB 549** was withdrawn from the Committees on Judiciary; and Children and Families.

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

CS for HB 549—A bill to be entitled An act relating to child custody jurisdiction and enforcement; amending s. 39.502, F.S.; conforming references and cross references; re-enacting s. 44.102, F.S.; to incorporate an amendment to s. 61.13, F.S.; amending s. 61.13, F.S.; conforming a reference; providing for the posting of a bond with respect to certain orders of child custody or visitation; providing criteria for the court to use in assessing the need for a bond; providing for forfeiture of the bond under certain circumstances; providing for the posting of a bond with respect to certain orders of child custody or visitation; providing criteria for the court to use in assessing the need for a bond; providing for forfeiture of the bond under certain circumstances; creating sections 61.501 through 61.542, F.S., cited as the "Uniform Child Custody Jurisdiction and Enforcement Act"; providing purposes; providing definitions; specifying proceedings not governed by the act; providing application to Indian tribes; providing international application of the act; providing the effect of a child custody determination; providing priority for questions jurisdiction under the act; providing for notice to persons outside the state; providing for appearance at proceedings and limited immunity; providing for communication between courts of this state and courts of other states; providing for taking testimony in another state; providing for cooperation between courts and the preservation of records; providing for initial child custody jurisdiction; providing for exclusive, continuing jurisdiction; providing for jurisdiction to modify a child custody determination; providing for temporary emergency jurisdiction; providing for notice, opportunity to be heard, and joinder; providing procedures with respect to simultaneous proceedings; providing for determination of an inconvenient forum; providing procedures for a court to decline jurisdiction by reason of conduct; specifying information to be submitted to the court; providing for the appearance of the parties and the child at proceedings; providing definitions relating to enforcement; providing for enforcement under the Hague Convention; providing duty of the court to enforce child custody determinations of a court of another state; providing for temporary visitation; providing for registration of out-of-state child custody determinations; providing for enforcement of registered determinations; providing procedures with respect to simultaneous proceedings; providing for expedited enforcement of a child custody determination; providing for service of petition and order; providing for hearing and order; providing for issuance of a warrant to take physical custody of a child under certain circumstances; providing for award of costs, fees, and expenses to the prevailing party; providing for recognition of enforcement orders of a court of another state; providing for appeals; providing for actions by the state attorney; providing for actions by law enforcement officers; providing for assessment of costs and expenses incurred by the state attorney and law enforcement officers; providing for application and construction of the act; providing for transition; amending s. 741.30, F.S.; conforming references and cross references; repealing ss. 61.1302, 61.1304, 61.1306, 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132, 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334, 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and 61.1348, F.S., relating to the "Uniform Child Custody Jurisdiction Act"; providing an effective date.

—a companion measure, was substituted for **CS for SB 1312** as amended and read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (652054)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 39.502, Florida Statues, is amended to read:

39.502 Notice, process, and service.—

(7) Service of the summons and service of pleadings, papers, and notices subsequent to the summons on persons outside this state must be made pursuant to *s. 61.509* ~~s. 61.1312~~.

Section 2. For purposes of incorporating amendments to s. 61.13, F.S., subsection (2) of section 44.102, F.S., is re-enacted to read:

44.102 Court-ordered mediation.—

(2) A court, under rules adopted by the Supreme Court:

(a) Must, upon request of one party, refer to mediation any filed civil action for monetary damages, provided the requesting party is willing and able to pay the costs of the mediation or the costs can be equitably divided between the parties, unless:

1. The action is a landlord and tenant dispute that does not include a claim for personal injury.

2. The action is filed for the purpose of collecting a debt.

3. The action is a claim of medical malpractice.

4. The action is governed by the Florida Small Claims Rules.

5. The court determines that the action is proper for referral to nonbinding arbitration under this chapter.

6. The parties have agreed to binding arbitration.

7. The parties have agreed to an expedited trial pursuant to s. 45.075.

8. The parties have agreed to voluntary trial resolution pursuant to s. 44.104.

(b) May refer to mediation all or any part of a filed civil action for which mediation is not required under this section.

(c) In circuits in which a family mediation program has been established and upon a court finding of a dispute, shall refer to mediation all or part of custody, visitation, or other parental responsibility issues as defined in s. 61.13. Upon motion or request of a party, a court shall not refer any case to mediation if it finds there has been a history of domestic violence that would compromise the mediation process.

(d) In circuits in which a dependency or in need of services mediation program has been established, may refer to mediation all or any portion of a matter relating to dependency or to a child in need of services or a family in need of services.

Section 3. Paragraph (b) of subsection (2) of section 61.13, Florida Statutes, is amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction *and Enforcement* Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. 39.806(1)(d), creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities that the court finds unique to a particular family.

b. The court shall order "sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of" the minor child.

c. The court may award the grandparents visitation rights with a minor child if it is in the child's best interest. Grandparents have legal standing to seek judicial enforcement of such an award. This section does not require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor do grandparents have legal standing as "contestants" as defined in s. 61.1306. A court may not order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to a parent because the parent is not the child's primary residential parent. Full rights under this subparagraph apply to either parent unless a court order specifically revokes these rights, including any restrictions on these rights as provided in a domestic violence injunction. A parent having rights under this subparagraph has the same rights upon request as to form, substance, and manner of access as are available to the other parent of a child, including, without limitation, the right to in-person communication with medical, dental, and education providers.

Section 4. *(1) In a proceeding in which the court enters an order of child custody or visitation, including in a modification proceeding, upon the presentation of competent substantial evidence that there is a risk that one party may violate the court's order of visitation or custody by removing a child from this state or country or by concealing the whereabouts of a child, or upon stipulation of the parties, the court may:*

(a) Order that a parent may not remove the child from this state without the notarized written permission of both parents or further court order;

(b) Order that a parent may not remove the child from this country without the notarized written permission of both parents or further court order;

(c) Order that a parent may not take the child to a country that has not ratified or acceded to the Hague Convention on the Civil Aspects of International Child Abduction unless the other parent agrees in writing that the child may be taken to the country;

(d) Require a parent to surrender the passport of the child; or

(e) Require that party to post bond or other security.

(2) If the court enters an order of child custody or visitation, including in a modification proceeding, that includes a provision entered under paragraph (1)(b) or paragraph (1)(c), a certified copy of the order should be sent by the parent who requested the restriction to the Passport Services Office of the U.S. Department of State requesting that they not issue a passport to the child without their signature or further court order.

(3) In assessing the need for a bond or other security, the court may consider any reasonable factor bearing upon the risk that a party may violate a visitation or custody order by removing a child from this state or country or by concealing the whereabouts of a child, including but not limited to whether:

(a) A court has previously found that a party previously removed a child from Florida or another state in violation of a custody or visitation order, or whether a court had found that a party has threatened to take a child out of Florida or another state in violation of a custody or visitation order;

(b) The party has strong family and community ties to Florida or to other states or countries, including whether the party or child is a citizen of another country;

(c) The party has strong financial reasons to remain in Florida or to relocate to another state or country;

(d) The party has engaged in activities that suggest plans to leave Florida, such as quitting employment; sale of a residence or termination of a lease on a residence, without efforts to acquire an alternative residence in the state; closing bank accounts or otherwise liquidating assets; or applying for a passport;

(e) Either party has had a history of domestic violence as either a victim or perpetrator, child abuse or child neglect evidenced by criminal history, including but not limited to, arrest, an injunction for protection against domestic violence issued after notice and hearing under s. 741.30, medical records, affidavits, or any other relevant information; or

(f) The party has a criminal record.

(4) The court must consider the party's financial resources prior to setting the bond amount under this section. Under no circumstances may the court set a bond that is unreasonable.

(5) Any deficiency of bond or security shall not absolve the violating party of responsibility to pay the full amount of damages determined by the court.

(6)(a) Upon a material violation of any custody or visitation order by removing a child from this state or this country or by concealing the whereabouts of a child, the court may order the bond or other security forfeited in whole or in part.

(b) This section, including the requirement to post a bond or other security, does not apply to a parent who, in a proceeding to order or modify child custody or visitation, the court determines is a victim of an act of domestic violence or has reasonable cause to believe he or she is about to become the victim of an act of domestic violence, as defined in section 741.28, Florida Statutes. An injunction for protection against domestic violence issued pursuant to section 741.30, Florida Statutes, for a parent as the petitioner which is in effect at the time of the court proceeding shall be one means of demonstrating sufficient evidence that the parent is a victim of domestic violence or is about to become the victim of an act of domestic violence, as defined in section 741.28, Florida Statutes, and shall exempt the parent from this section, including the requirement to post a bond or other security. A parent who is determined by the court to be exempt from the requirements of this section must meet the requirements of section 787.03(6), Florida Statutes, if an offense of interference with custody is committed.

(7)(a) Upon an order of forfeiture, the proceeds of any bond or other security posted pursuant to this subsection may only be used to:

1. Reimburse the nonviolating party for actual costs or damages incurred in upholding the court's order of custody or visitation.

2. Locate and return the child to the residence as set forth in the visitation or custody order.

3. Reimburse reasonable fees and costs as determined by the court.

(b) Any remaining proceeds shall be held as further security if deemed necessary by the court, and if further security is not found to be necessary; applied to any child support arrears owed by the parent against whom the bond was required, and if no arrears exists; all remaining proceeds will be allocated by the court in the best interest of the child.

(8) At any time after the forfeiture of the bond or other security, the party who posted the bond or other security, or the court on its own motion may request that the party provide documentation substantiating that the proceeds received as a result of the forfeiture have been used solely in accordance with this subsection. Any party using such proceeds for purposes not in accordance with this section may be found in contempt of court.

Section 5. Sections 61.501 through 61.542, Florida Statutes, are created to read:

61.501 Short title.—This part may be cited as the "Uniform Child Custody Jurisdiction and Enforcement Act."

61.502 Purposes of part; construction of provisions.—The general purposes of this part are to:

(1) Avoid jurisdictional competition and conflict with courts of other states in matters of child custody which have in the past resulted in the shifting of children from state to state with harmful effects on their well-being.

(2) Promote cooperation with the courts of other states to the end that a custody decree is rendered in the state that can best decide the case in the interest of the child.

(3) Discourage the use of the interstate system for continuing controversies over child custody.

(4) Deter abductions.

(5) Avoid relitigating the custody decisions of other states in this state.

(6) Facilitate the enforcement of custody decrees of other states.

(7) Promote and expand the exchange of information and other forms of mutual assistance between the courts of this state and those of other states concerned with the same child.

(8) Make uniform the law with respect to the subject of this part among the states enacting it.

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

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision.

(2) "Child" means an individual who has not attained 18 years of age.

(3) "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, residential care, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

(4) "Child custody proceeding" means a proceeding in which legal custody, physical custody, residential care or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under ss. 61.524-61.540.

(5) "Commencement" means the filing of the first pleading in a proceeding.

(6) "Court" means an entity authorized under the laws of a state to establish, enforce, or modify a child custody determination.

(7) "Home state" means the state in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of a child custody proceeding. In the case of a child younger than 6 months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

(8) "Initial determination" means the first child custody determination concerning a particular child.

(9) "Issuing court" means the court that makes a child custody determination for which enforcement is sought under this part.

(10) "Issuing state" means the state in which a child custody determination is made.

(11) "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, regardless of whether it is made by the court that made the previous determination.

(12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or government; governmental subdivision, agency, instrumentality, or public corporation; or any other legal or commercial entity.

(13) "Person acting as a parent" means a person, other than a parent, who:

(a) Has physical custody of the child or has had physical custody for a period of 6 consecutive months, including any temporary absence, within 1 year immediately before the commencement of a child custody proceeding; and

(b) Has been awarded a child-custody determination by a court or claims a right to a child-custody determination under the laws of this state.

(14) "Physical custody" means the physical care and supervision of a child.

(15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) "Tribe" means an Indian tribe, or band, or Alaskan Native village that is recognized by federal law or formally acknowledged by a state.

(17) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

61.504 Proceedings governed by other law.—This part does not govern a proceeding pertaining to the authorization of emergency medical care for a child.

61.505 Application to Indian tribes.—

(1) A child custody proceeding that pertains to an Indian child, as defined in the Indian Child Welfare Act, 25 U.S.C. s. 1901 et seq., is not subject to this part to the extent that it is governed by the Indian Child Welfare Act.

(2) A court of this state shall treat a tribe as if it were a state of the United States for purposes of applying ss. 61.501-61.523.

(3) A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this part must be recognized and enforced under ss. 61.524-61.540.

61.506 International application of part.—

(1) A court of this state shall treat a foreign country as if it were a state of the United States for purposes of applying ss. 61.501-61.523.

(2) Except as otherwise provided in subsection (3), a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this part must be recognized and enforced under ss. 61.524-61.540.

(3) A court of this state need not apply this part if the child custody law of a foreign country violates fundamental principles of human rights.

61.507 Effect of child custody determination.—A child custody determination made by a court of this state which had jurisdiction under this part binds all persons who have been served in accordance with the laws of this state or notified in accordance with s. 61.509 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

61.508 Priority.—If a question of existence or exercise of jurisdiction under this part is raised in a child custody proceeding, the question, upon request of a party, must be given priority on the calendar and handled expeditiously.

61.509 Notice to persons outside the state.—

(1) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the laws of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice, but may be made by publication if other means are not effective.

(2) Proof of service may be made in the manner prescribed by the laws of the state in which the service is made.

(3) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

61.510 Appearance and limited immunity.—

(1) A party to a child custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child custody determination, is not subject to personal jurisdiction in this state for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

(2) A person who is subject to personal jurisdiction in this state on a basis other than physical presence is not immune from service of process in this state. A party present in this state who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

(3) The immunity granted by subsection (1) does not extend to civil litigation based on an act unrelated to the participation in a proceeding under this part which was committed by an individual while present in this state.

61.511 Communication between courts.—

(1) A court of this state may communicate with a court in another state concerning a proceeding arising under this part.

(2) The court shall allow the parties to participate in the communication. If the parties elect to participate in the communication, they must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

(3) Communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of the communication.

(4) Except as otherwise provided in subsection (3), a record must be made of a communication under this section. The parties must be informed promptly of the communication and granted access to the record.

(5) For purposes of this section, the term "record" means a form of information, including, but not limited to, an electronic recording or transcription by a court reporter which creates a verbatim memorialization of any communication between two or more individuals or entities.

61.512 Taking testimony in another state.—

(1) In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means available in this state for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.

(2) Upon agreement of the parties, a court of this state may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state. A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

(3) Documentary evidence transmitted from another state to a court of this state by technological means that does not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

61.513 Cooperation between courts; preservation of records.—

(1) A court of this state may request the appropriate court of another state to:

(a) Hold an evidentiary hearing;

(b) Order a person to produce or give evidence pursuant to the laws of that state;

(c) Order that an evaluation be made with respect to the custody of a child involved in a pending proceeding pursuant to the laws of the state where the proceeding is pending;

(d) Forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; or

(e) Order a party to a child custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.

(2) Upon request of a court of another state, a court of this state may hold a hearing or enter an order described in subsection (1).

(3) Travel and other necessary and reasonable expenses incurred under subsections (1) and (2) may be assessed against the parties according to the laws of this state if the court has personal jurisdiction over the party against whom these expenses are being assessed.

(4) A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect

to a child custody proceeding until the child attains 18 years of age. Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of these records.

61.514 Initial child custody jurisdiction.—

(1) Except as otherwise provided in s. 61.517, a court of this state has jurisdiction to make an initial child custody determination only if:

(a) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;

(b) A court of another state does not have jurisdiction under paragraph (a), or a court of the home state of the child has declined to exercise jurisdiction on the grounds that this state is the more appropriate forum under s. 61.520 or s. 61.521, and:

1. The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and

2. Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;

(c) All courts having jurisdiction under paragraph (a) or paragraph (b) have declined to exercise jurisdiction on the grounds that a court of this state is the more appropriate forum to determine the custody of the child under s. 61.520 or s. 61.521; or

(d) No court of any other state would have jurisdiction under the criteria specified in paragraph (a), paragraph (b), or paragraph (c).

(2) Subsection (1) is the exclusive jurisdictional basis for making a child custody determination by a court of this state.

(3) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

61.515 Exclusive, continuing jurisdiction.—

(1) Except as otherwise provided in s. 61.517, a court of this state which has made a child custody determination consistent with s. 61.514 or s. 61.516 has exclusive, continuing jurisdiction over the determination until:

(a) A court of this state determines that the child, the child's parents, and any person acting as a parent does not have a significant connection with this state and that substantial evidence is no longer available in this state concerning the child's care, protection, training, and personal relationships; or

(b) A court of this state or a court of another state determines that the child, the child's parent, and any person acting as a parent does not presently reside in this state.

(2) A court of this state which has made a child custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under s. 61.514.

61.516 Jurisdiction to modify a determination.—Except as otherwise provided in s. 61.517, a court of this state may not modify a child custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under s. 61.514(1)(a) or s. 61.514(1)(b) and:

(1) The court of the other state determines it no longer has exclusive, continuing jurisdiction under s. 61.515 or that a court of this state would be a more convenient forum under s. 61.520; or

(2) A court of this state or a court of the other state determines that the child, the child's parents, and any person acting as a parent does not presently reside in the other state.

61.517 Temporary emergency jurisdiction.—

(1) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

(2) If there is no previous child custody determination that is entitled to be enforced under this part, and a child custody proceeding has not been commenced in a court of a state having jurisdiction under ss. 61.514-61.616, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under ss. 61.514-61.516. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under ss. 61.514-61.516, a child custody determination made under this section becomes a final determination if it so provides and this state becomes the home state of the child.

(3) If there is a previous child custody determination that is entitled to be enforced under this part, or a child custody proceeding has been commenced in a court of a state having jurisdiction under ss. 61.514-61.516, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under ss. 61.514-61.516. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.

(4) A court of this state which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under ss. 61.514-61.516, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction under ss. 61.514-61.516, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

61.518 Notice; opportunity to be heard; joinder.—

(1) Before a child custody determination is made under this part, notice and an opportunity to be heard in accordance with the standards of s. 61.509 must be given to all persons entitled to notice under the laws of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person acting as a parent.

(2) This part does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.

(3) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this part are governed by the laws of this state as in child custody proceedings between residents of this state.

61.519 Simultaneous proceedings.—

(1) Except as otherwise provided in s. 61.517, a court of this state may not exercise its jurisdiction under ss. 61.514-61.524 if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child had been commenced in a court of another state having jurisdiction substantially in conformity with this part, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under s. 61.520.

(2) Except as otherwise provided in s. 61.517, a court of this state, before hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties pursuant to s. 61.522. If the court determines that a child custody proceeding was previously commenced in a court in another state having jurisdiction substantially in accordance with this part, the court of this state shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with this part does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.

(3) In a proceeding to modify a child custody determination, a court of this state shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the court may:

(a) Stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;

(b) Enjoin the parties from continuing with the proceeding for enforcement; or

(c) Proceed with the modification under conditions it considers appropriate.

61.520 Inconvenient forum.—

(1) A court of this state which has jurisdiction under this part to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party, the court's own motion, or request of another court.

(2) Before determining whether it is an inconvenient forum, a court of this state shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

(a) Whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;

(b) The length of time the child has resided outside this state;

(c) The distance between the court in this state and the court in the state that would assume jurisdiction;

(d) The relative financial circumstances of the parties;

(e) Any agreement of the parties as to which state should assume jurisdiction;

(f) The nature and location of the evidence required to resolve the pending litigation, including testimony of the child;

(g) The ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and

(h) The familiarity of the court of each state with the facts and issues in the pending litigation.

(3) If a court of this state determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

(4) A court of this state may decline to exercise its jurisdiction under this part if a child custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

61.521 Jurisdiction declined by reason of conduct.—

(1) Except as otherwise provided in s. 61.517 or by other law of this state, if a court of this state has jurisdiction under this part because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

(a) The parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;

(b) A court of the state otherwise having jurisdiction under ss. 61.514-61.516 determines that this state is a more appropriate forum under s. 61.520; or

(c) No court of any other state would have jurisdiction under the criteria specified in ss. 61.514-61.516.

(2) If a court of this state declines to exercise its jurisdiction under subsection (1), it may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the unjustifiable conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under ss. 61.514-61.516.

(3) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction under subsection (1), it shall assess against the party seeking to invoke its jurisdiction necessary and reasonable expenses, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and expenses for child care during the course of the proceedings, unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against this state unless authorized by law other than this part.

61.522 Information to be submitted to the court.—

(1) Subject to Florida law providing for the confidentiality of procedures, addresses, and other identifying information in a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last 5 years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit must state whether the party:

(a) Has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child custody determination, if any;

(b) Knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and

(c) Knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

(2) If the information required by subsection (1) is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(3) If the declaration as to any of the items described in paragraphs (1)(a)-(c) is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(4) Each party has a continuing duty to inform the court of any proceeding in this or any other state which could affect the current proceeding.

61.523 Appearance of parties and child.—

(1) In a child custody proceeding in this state, the court may order a party to the proceeding who is in this state to appear before the court in person with or without the child. The court may order any person who is in this state and who has physical custody or control of the child to appear in person with the child.

(2) If a party to a child custody proceeding whose presence is desired by the court is outside this state, the court may order that a notice given pursuant to s. 61.509 include a statement directing the party to appear in person with or without the child and informing the party that failure to appear may result in a decision adverse to the party.

(3) The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

(4) If a party to a child custody proceeding who is outside this state is directed to appear under subsection (2) or desires to appear in person before the court with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.

61.524 Definitions.—As used in ss. 61.524-61.540, the term:

(1) "Petitioner" means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

(2) "Respondent" means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

61.525 Enforcement under the Hague Convention.—Under this part, a court of this state may enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child custody determination.

61.526 Duty to enforce.—

(1) A court of this state shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this part or the determination was made under factual circumstances meeting the jurisdictional standards of this part and the determination has not been modified in accordance with this part.

(2) A court of this state may use any remedy available under other laws of this state to enforce a child custody determination made by a court of another state. The remedies provided by ss. 61.524-61.540 are cumulative and do not affect the availability of other remedies to enforce a child custody determination.

61.527 Temporary visitation.—

(1) A court of this state which does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing:

(a) A visitation schedule made by a court of another state; or

(b) The visitation provisions of a child custody determination of another state which does not provide for a specific visitation schedule.

(2) If a court of this state makes an order under paragraph (1)(b), it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in ss. 61.514-61.523. The order remains in effect until an order is obtained from the other court or the period expires.

61.528 Registration of child custody determination.—

(1) A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the circuit court of the county where the petitioner or respondent resides or where a simultaneous request for enforcement is sought:

(a) A letter or other document requesting registration;

(b) Two copies, including one certified copy, of the determination sought to be registered and a statement under penalty of perjury that, to the best of the knowledge and belief of the person seeking registration, the order has not been modified; and

(c) Except as otherwise provided in s. 61.522, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

(2) On receipt of the documents required by subsection (1), the registering court shall:

(a) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(b) Serve notice upon the persons named pursuant to paragraph (1)(c) and provide them with an opportunity to contest the registration in accordance with this section.

(3) The notice required by paragraph (2)(b) must state that:

(a) A registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;

(b) A hearing to contest the validity of the registered determination must be requested within 20 days after service of notice; and

(c) Failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

(4) A person seeking to contest the validity of a registered order must request a hearing within 20 days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(a) The issuing court did not have jurisdiction under ss. 61.514-61.523;

(b) The child custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under ss. 61.514-61.523; or

(c) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of s. 61.509 in the proceedings before the court that issued the order for which registration is sought.

(5) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

(6) Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

61.529 Enforcement of registered determination.—

(1) A court of this state may grant any relief normally available under the laws of this state to enforce a registered child custody determination made by a court of another state.

(2) A court of this state shall recognize and enforce but may not modify, except in accordance with ss. 61.514-61.523, a registered child custody determination of another state.

61.530 Simultaneous proceedings.—If a proceeding for enforcement under ss. 61.524-61.540 is commenced in a court of this state and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under ss. 61.514-61.523, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

61.531 Expedited enforcement of child custody determination.—

(1) A petition under ss. 61.524-61.540 must be verified. Certified copies of all orders sought to be enforced and of any order confirming registration must be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

(2) A petition for enforcement of a child custody determination must state:

(a) Whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, specify the basis;

(b) Whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this part and, if so, identify the court, the case number, and the nature of the proceeding;

(c) Whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence,

protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;

(d) The present physical address of the child and the respondent, if known;

(e) Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officers and, if so, the relief sought; and

(f) If the child custody determination has been registered and confirmed under s. 61.528, the date and place of registration.

(3) Upon the filing of a petition, the court shall issue an order directing the respondent to appear in person with or without the child at a hearing and may enter any order necessary to ensure the safety of the parties and the child. The hearing must be held on the next judicial day after service of the order unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The court may extend the date of the hearing at the request of the petitioner.

(4) An order issued under subsection (3) must state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under s. 61.535 and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:

(a) The child custody determination has not been registered and confirmed under s. 61.528 and that:

1. The issuing court did not have jurisdiction under ss. 61.514-61.523;

2. The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under ss. 61.514-61.523; or

3. The respondent was entitled to notice, but notice was not given in accordance with the standards of s. 61.509 in the proceedings before the court that issued the order for which enforcement is sought; or

(b) The child custody determination for which enforcement is sought was registered and confirmed under s. 61.528, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under ss. 61.514-61.523.

61.532 Service of petition and order.—Except as otherwise provided in s. 61.534, the petition and order must be served by any method authorized by the laws of this state upon the respondent and any person who has physical custody of the child.

61.533 Hearing and order.—

(1) Unless the court enters a temporary emergency order under s. 61.517, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(a) The child custody determination has not been registered and confirmed under s. 61.528 and that:

1. The issuing court did not have jurisdiction under ss. 61.514-61.523;

2. The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under ss. 61.514-61.523; or

3. The respondent was entitled to notice, but notice was not given in accordance with the standards of s. 61.509 in the proceedings before the court that issued the order for which enforcement is sought; or

(b) The child custody determination for which enforcement is sought was registered and confirmed under s. 61.528, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under ss. 61.514-61.523.

(2) The court shall award the fees, costs, and expenses authorized under s. 61.535 and may grant additional relief, including a request for the assistance of law enforcement officers, and set a further hearing to determine whether additional relief is appropriate.

(3) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(4) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under ss. 61.524-61.540.

61.534 Warrant to take physical custody of child.—

(1) Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is likely to imminently suffer serious physical harm or removal from this state.

(2) If the court, upon the testimony of the petitioner or other witness, finds that the child is likely to imminently suffer serious physical harm or removal from this state, it may issue a warrant to take physical custody of the child. The petition must be heard on the next judicial day after the warrant is executed unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The application for the warrant must include the statements required by s. 61.531(2).

(3) A warrant to take physical custody of a child must:

(a) Recite the facts upon which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;

(b) Direct law enforcement officers to take physical custody of the child immediately; and

(c) Provide for the placement of the child pending final relief.

(4) The respondent must be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(5) A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

(6) The court may impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian.

61.535 Costs, fees, and expenses.—

(1) So long as the court has personal jurisdiction over the party against whom the expenses are being assessed, the court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and expenses for child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

(2) The court may not assess fees, costs, or expenses against a state unless authorized by law other than this part.

61.536 Recognition and enforcement.—A court of this state shall accord full faith and credit to an order issued by another state and consistent with this part which enforces a child custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court having jurisdiction to do so under ss. 61.514-61.523.

61.537 Appeals.—An appeal may be taken from a final order in a proceeding under ss. 61.524-61.540 in accordance with expedited appellate procedures in other civil cases. Unless the court enters a temporary emergency order under s. 61.517, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

61.538 Role of state attorney.—

(1) In a case arising under this part or involving the Hague Convention on the Civil Aspects of International Child Abduction, the state attorney may take any lawful action, including resort to a proceeding under ss. 61.524-61.540 or any other available civil proceeding, to locate a child, obtain the return of a child, or enforce a child custody determination, if there is:

(a) An existing child custody determination;

(b) A request to do so from a court in a pending child custody proceeding;

(c) A reasonable belief that a criminal statute has been violated; or

(d) A reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

(2) A state attorney acting under this section acts on behalf of the court and may not represent any party.

61.539 Role of law enforcement officers.—At the request of a state attorney acting under s. 61.538, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist a state attorney with responsibilities under s. 61.538.

61.540 Costs and expenses.—The court may assess against the nonprevailing party all direct expenses and costs incurred by the state attorney and law enforcement officers under s. 61.538 or s. 61.539 so long as the court has personal jurisdiction over the nonprevailing party.

61.541 Application and construction.—In applying and construing this part, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

61.542 Transitional provision.—A motion or other request for relief made in a child custody proceeding or to enforce a child custody determination that was commenced before the effective date of this part is governed by the law in effect at the time the motion or other request was made.

Section 6. Paragraph (d) of subsection (3), subsection (4), and paragraph (a) of subsection (7) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(3)

(d) If the sworn petition seeks to determine issues of custody or visitation with regard to the minor child or children of the parties, the sworn petition shall be accompanied by or shall incorporate the allegations required by *s. 61.522* ~~s. 61.132~~ of the Uniform Child Custody Jurisdiction *and Enforcement* Act.

(4) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, financial affidavit, uniform child custody jurisdiction *and enforcement* act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

(7)(a)1. The clerk of the court shall furnish a copy of the petition, financial affidavit, uniform child custody jurisdiction *and enforcement* act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section shall use service and verification procedures consistent with those of the sheriff.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against domestic violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

3. All orders issued, changed, continued, extended, or vacated subsequent to the original service of documents enumerated under subparagraph 1., shall be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. In the event a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

If the respondent has been served previously with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent petition for injunction seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer.

Section 7. *Sections 61.1302, 61.1304, 61.1306, 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132, 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334, 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and 61.1348, Florida Statutes, are repealed.*

Section 8. This act shall take effect October 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to child custody jurisdiction and enforcement; amending s. 39.502, F.S.; conforming references and cross references; reenacting s. 44.102, F.S.; to incorporate an amendment to s. 61.13, F.S.; amending s. 61.13, F.S.; conforming a reference; providing for the posting of a bond with respect to certain orders of child custody or visitation; providing criteria for the court to use in assessing the need for a bond; providing for forfeiture of the bond under certain circumstances; creating sections 61.501 through 61.542, F.S., cited as the "Uniform Child Custody Jurisdiction and Enforcement Act"; providing purposes; providing definitions; specifying proceedings not governed by the act; providing application to Indian tribes; providing international application of the act; providing the effect of a child custody determination; providing priority for questions jurisdiction under the act; providing for notice to persons outside the state; providing for appearance at proceedings and limited immunity; providing for communication between courts of this state and courts of other states; providing for taking testimony in another state; providing for cooperation between courts and the preservation of records; providing for initial child custody jurisdiction; providing for exclusive, continuing jurisdiction; providing for jurisdiction to modify a child custody determination; providing for temporary emergency jurisdiction; providing for notice, opportunity to be heard, and joinder; providing procedures with respect to simultaneous proceedings; providing for determination of an inconvenient forum; providing procedures for a court to decline jurisdiction by reason of conduct; specifying information to be submitted to the court; providing for the appearance of the parties and the child at proceedings; providing definitions relating to enforcement; providing for enforcement under the Hague Convention; providing duty of the court to enforce child custody determinations of a court of another state; providing for temporary visitation; providing for registration of out-of-state child custody determinations; providing for enforcement of registered determinations; providing procedures with respect to simultaneous proceedings; providing for expedited enforcement of a child custody determination; providing for service of petition and order; providing for hearing and order; providing for issuance of a warrant to take physical custody of a child under certain circumstances; providing for award of costs, fees, and expenses to the prevailing party; providing for recognition of enforcement orders of a court of another state; providing for appeals; providing for actions by the state attorney; providing for actions by law enforcement officers; providing for assessment of costs

and expenses incurred by the state attorney and law enforcement officers; providing for application and construction of the act; providing for transition; amending s. 741.30, F.S.; conforming references and cross references; repealing ss. 61.1302, 61.1304, 61.1306, 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132, 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334, 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and 61.1348, F.S., relating to the "Uniform Child Custody Jurisdiction Act"; providing an effective date.

On motion by Senator Campbell, by two-thirds vote **CS for HB 549** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Posey	Smith

Vote after roll call:

Yea—Rossin

CS for SB 1554—A bill to be entitled An act relating to transportation; amending s. 318.1451, F.S.; authorizing governmental entities and courts to prepare information concerning driver improvements schools; amending s. 318.21, F.S.; authorizing use of civil penalties to fund local law enforcement automation under certain circumstances; providing an effective date.

—as amended March 19 was read the third time by title.

On motion by Senator Silver, **CS for SB 1554** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

On motion by Senator Brown-Waite, by two-thirds vote **HB 727** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Appropriations.

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

HB 727—A bill to be entitled An act relating to disaster preparedness; amending s. 252.365, F.S.; revising the process for coordination and approval of disaster-preparedness plans; directing each agency coordination officer to complete a revised plan by a specified date; requiring the Division of Emergency Management of the Department of Community Affairs to develop guidelines for the plans; providing an effective date.

—a companion measure, was substituted for **SB 1634** and by two-thirds vote read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **HB 727** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Rossin

HB 1423—A bill to be entitled An act relating to school safety; creating s. 810.0975, F.S.; defining the term "school safety zone"; prohibiting certain persons from entering or loitering within a school safety zone; providing a penalty; providing an exception for residents and persons operating a licensed business; providing an effective date.

—was read the third time by title.

On motion by Senator Wasserman Schultz, **HB 1423** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Posey, Rossin, Sebesta

THE PRESIDENT PRESIDING

SPECIAL ORDER CALENDAR

On motion by Senator Burt, by two-thirds vote **CS for CS for HB 1057** was withdrawn from the Committees on Criminal Justice; and Appropriations.

On motion by Senator Burt, by unanimous consent—

CS for CS for HB 1057—A bill to be entitled An act relating to driving or boating under the influence of alcohol or controlled substances; amending s. 316.193, F.S.; reducing the number of convictions required for a felony DUI; requiring mandatory placement of an ignition interlock device under certain circumstances; revising conditions for conviction in cases of accident, serious bodily injury, or death; removing a cross reference; amending s. 316.1932, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 316.1933, F.S.; requiring a person to submit to a blood test under certain circumstances; amending s. 316.1937, F.S.; requiring placement of an ignition interlock device under certain circumstances; directing the court regarding requirements for ignition interlock devices; creating s. 316.1939, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; amending s. 322.271, F.S.; providing for the privilege of driving with an ignition interlock device while a license is revoked or suspended, under certain circumstances; amending s. 327.35, F.S.; reducing the number of convictions required for a felony BUI; revising conditions for conviction in cases of accident, serious bodily injury, or death; conforming cross references; amending s. 327.352, F.S.; providing for notification that refusal to submit to a test of breath, blood, or urine under certain circumstances is a misdemeanor; amending s. 327.353, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; creating s. 327.359, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; creating s. 397.6755, F.S.; providing for evidence and criteria for involuntary admission and treatment; providing funding; amending s. 921.0022, F.S.; revising provisions relating to certain DUI offenses; including certain BUI offenses within the offense severity ranking chart; amending s. 938.07, F.S.; providing for application of a fee to persons found guilty of boating under the influence; conforming a cross reference; amending s. 943.05, F.S.; providing for adoption of rules and forms for making DUI arrests; providing an appropriation; providing an effective date.

—a companion measure, was taken up out of order and by two-thirds vote substituted for **CS for CS for CS for SB 1024** and by two-thirds vote read the second time by title.

On motion by Senator Burt, further consideration of **CS for CS for HB 1057** was deferred.

On motion by Senator Mitchell, by unanimous consent—

CS for SB 2206—A bill to be entitled An act relating to services for persons who have disabilities; amending ss. 20.15, 20.171, 229.003, 229.004, and 229.0073, F.S.; conforming organizational provisions to the transfer of the Division of Vocational Rehabilitation and the Division of Blind Services from the Department of Labor and Employment Security to the Department of Education; providing for establishment and oversight of the divisions within the reorganized state education system; amending s. 413.20, F.S.; revising definitions under pt. II of ch. 413, F.S., relating to vocational rehabilitation programs; creating s. 413.201, F.S.; providing that the Department of Education is the designated state agency for implementing federal vocational rehabilitation requirements; creating s. 413.202, F.S.; providing that the Division of Vocational Rehabilitation is the designated administrative unit for such implementation; creating s. 413.203, F.S.; providing legislative intent and procedure with respect to conflicting laws; creating s. 413.206, F.S.; requiring the Division of Vocational Rehabilitation to develop a 5-year plan relating to general vocational rehabilitation programs; providing requirements for the contents of the plan; requiring annual reports; creating s. 413.207, F.S.; providing quality assurance and performance requirements for the Division of Vocational Rehabilitation; creating s. 413.208, F.S.; providing for service providers' quality assurance and fitness for their responsibilities; amending s. 413.23, F.S.; revising provisions relating to the federally required state plan for administration of vocational rehabilitation services; amending s. 413.395, F.S.; clarifying reporting requirements of the Florida Independent Living Council; revising references to conform to changes made by the act; amending s. 413.401, F.S.; revising references to conform to changes made by the act; amending s. 413.405, F.S.; renaming the Rehabilitation Advisory Council as the Florida Rehabilitation Council; revising council membership and duties; requiring the council to submit reports to the Governor, Legislature, and United States Secretary of Education; amending ss. 11.45, 90.6063, 215.311, 394.75, 395.404, 410.0245, 410.604, 413.034, 413.051, 413.064, 413.066, 413.067, 413.091, 413.092, 413.445, 413.615, 944.012, F.S.; revising provisions and references to conform to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of the progress of the Division of Vocational Rehabilitation and to prepare a report; repealing pt. III of ch. 413, F.S., and s. 445.024(8), F.S., relating to creation and duties of the Occupational Access and Opportunity Commission; providing an effective date.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2206** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by unanimous consent—

CS for SB 1428—A bill to be entitled An act relating to land trusts; amending s. 689.071, F.S.; prescribing additional entities that receive an ownership interest in trust property when named trustee; amending s. 475.01, F.S.; clarifying that ch. 475, F.S., applies to real estate brokers acting as trustees; providing exceptions; amending s. 689.21, F.S.; revising provisions governing the time within which a disclaimer of interest in certain property may be made; providing for the effect of disclaimer of tenancy-by-the-entirety property; providing for the extent of disclaimed interest in tenancy-by-the-entirety property; providing an effective date.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1428** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by unanimous consent—

CS for SB's 1416 and 1884—A bill to be entitled An act relating to the Office of Inspector General within the Office of the Commissioner of Education; amending ss. 229.003, 229.0073, F.S.; establishing the Office of Inspector General within the Office of the Commissioner of Education; providing for the organization of the Office of Inspector General; providing the responsibilities of the Office of Inspector General; requiring the Office of Inspector General to conduct, coordinate, or request investigations; providing the powers, duties, and responsibilities of the Office of Inspector General; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (472136)—On page 3, line 18, after the period (.) insert: *This provision shall not prohibit a district school board from establishing the office of an independent inspector general for that district. An independent district inspector general must meet the requirements for an inspector general established in s. 20.055 and shall have the authority provided to inspector generals in that section.*

Pursuant to Rule 4.19, **CS for SB's 1416 and 1884** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for HB 1057—A bill to be entitled An act relating to driving or boating under the influence of alcohol or controlled substances; amending s. 316.193, F.S.; reducing the number of convictions required for a felony DUI; requiring mandatory placement of an ignition interlock device under certain circumstances; revising conditions for conviction in cases of accident, serious bodily injury, or death; removing a cross reference; amending s. 316.1932, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 316.1933, F.S.; requiring a person to submit to a blood test under certain circumstances; amending s. 316.1937, F.S.; requiring placement of an ignition interlock device under certain circumstances; directing the court regarding requirements for ignition interlock devices; creating s. 316.1939, F.S.; providing a penalty for

refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; amending s. 322.271, F.S.; providing for the privilege of driving with an ignition interlock device while a license is revoked or suspended, under certain circumstances; amending s. 327.35, F.S.; reducing the number of convictions required for a felony BUI; revising conditions for conviction in cases of accident, serious bodily injury, or death; conforming cross references; amending s. 327.352, F.S.; providing for notification that refusal to submit to a test of breath, blood, or urine under certain circumstances is a misdemeanor; amending s. 327.353, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; creating s. 327.359, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; creating s. 397.6755, F.S.; providing for evidence and criteria for involuntary admission and treatment; providing funding; amending s. 921.0022, F.S.; revising provisions relating to certain DUI offenses; including certain BUI offenses within the offense severity ranking chart; amending s. 938.07, F.S.; providing for application of a fee to persons found guilty of boating under the influence; conforming a cross reference; amending s. 943.05, F.S.; providing for adoption of rules and forms for making DUI arrests; providing an appropriation; providing an effective date.

—which was previously considered this day.

SENATOR SILVER PRESIDING

Senator Burt moved the following amendment which was adopted:

Amendment 1 (530358)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (2), (3), and (4) of section 316.193, Florida Statutes, are amended, and subsection (11) is added to said section, to read:

316.193 Driving under the influence; penalties.—

(2)(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. By a fine of:

a. Not less than $250 or more than $500 for a first conviction.

b. Not less than $500 or more than $1,000 for a second conviction~~.~~

~~c. Not less than $1,000 or more than $2,500 for a third conviction~~; and

2. By imprisonment for:

a. Not more than 6 months for a first conviction.

b. Not more than 9 months for a second conviction.

~~c. Not more than 12 months for a third conviction.~~

3. For a second conviction, by mandatory placement for a period of at least 1 year, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

(b)*1.* Any person who is convicted of a *third* ~~fourth or subsequent~~ violation of this section *for an offense that occurs within 10 years after a prior conviction for a violation of this section commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084*. In addition, the court shall order the mandatory placement for a period of not less than 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.*

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than $1,000 or more than $2,500 and by imprisonment for not more than 12 months. In addition, the court shall order the mandatory placement for a period of at least 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~;~~ However, the fine imposed for such fourth or subsequent violation may be not less than $1,000.

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes *or contributes to causing*:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being commits DUI manslaughter, and commits:

a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the crash, the person knew, or should have known, that the crash occurred; and

(II) The person failed to give information and render aid as required by s. 316.062.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.20 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vehicle by a person under the age of 18 years, shall be punished:

(a) By a fine of:

1. Not less than $500 or more than $1,000 for a first conviction.

2. Not less than $1,000 or more than $2,000 for a second conviction.

3. Not less than $2,000 ~~or more than $5,000~~ for a third *or subsequent* conviction.

(b) By imprisonment for:

1. Not more than 9 months for a first conviction.

2. Not more than 12 months for a second conviction.

~~3. Not more than 12 months for a third conviction.~~

For the purposes of this subsection, ~~any conviction for a violation of s. 327.35,~~ only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.20 or higher.

(c) In addition to the penalties in paragraphs (a) and (b), the court shall order the mandatory placement, at the convicted person's sole ex-

pense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person for up to 6 months for the first offense and for at least 2 years for a second offense, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

(11) The Department of Highway Safety and Motor Vehicles is directed to adopt rules providing for the implementation of the use of ignition interlock devices.

Section 2. Section 316.1932, Florida Statutes, is amended to read:

316.1932 Breath, blood, and urine tests for alcohol, chemical substances, or controlled substances; implied consent; *refusal* ~~right to refuse.—~~

(1)(a)1. Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by so operating such vehicle, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath, and to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages, chemical substances, or controlled substances. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of one type of test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath or urine, or both, will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests*, and shall also be told that if he or she refuses to submit to a lawful test of his or her breath or urine, or both, and his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties*. The refusal to submit to a chemical or physical breath test or to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is further responsible for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program shall:

a. Establish uniform criteria for the issuance of permits to breath test operators, agency inspectors, instructors, blood analysts, and instruments.

b. Have the authority to permit breath test operators, agency inspectors, instructors, blood analysts, and instruments.

c. Have the authority to discipline and suspend, revoke, or renew the permits of breath test operators, agency inspectors, instructors, blood analysts, and instruments.

d. Establish uniform requirements for instruction and curricula for the operation and inspection of approved instruments.

e. Have the authority to specify one approved curriculum for the operation and inspection of approved instruments.

f. Establish a procedure for the approval of breath test operator and agency inspector classes.

g. Have the authority to approve or disapprove breath test instruments and accompanying paraphernalia for use pursuant to the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

h. With the approval of the executive director of the Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.

i. Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.

j. Enforce compliance with the provisions of this section through civil or administrative proceedings.

k. Make recommendations concerning any matter within the purview of this section, this chapter, chapter 322, or chapter 327.

l. Promulgate rules for the administration and implementation of this section, including definitions of terms.

m. Consult and cooperate with other entities for the purpose of implementing the mandates of this section.

n. Have the authority to approve the type of blood test utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

o. Have the authority to specify techniques and methods for breath alcohol testing and blood testing utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

p. Have the authority to approve repair facilities for the approved breath test instruments, including the authority to set criteria for approval.

Nothing in this section shall be construed to supersede provisions in this chapter and chapters 322 and 327. The specifications in this section are derived from the power and authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.

(b)1. The blood-alcohol level must be based upon grams of alcohol per 100 milliliters of blood. The breath-alcohol level must be based upon grams of alcohol per 210 liters of breath.

2. An analysis of a person's breath, in order to be considered valid under this section, must have been performed substantially according to methods approved by the Department of Law Enforcement. For this purpose, the department may approve satisfactory techniques or methods. Any insubstantial differences between approved techniques and actual testing procedures in any individual case do not render the test or test results invalid.

(c) Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by operating such vehicle, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances and the person appears

for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A blood test may be administered whether or not the person is told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle upon the public highways of this state *and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor*. Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of the person has been suspended previously as a result of a refusal to submit to such a test or tests*, and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor*. The refusal to submit to a blood test upon the request of a law enforcement officer is admissible in evidence in any criminal proceeding.

(d) If the arresting officer does not request a chemical or physical breath test of the person arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages or controlled substances, such person may request the arresting officer to have a chemical or physical test made of the arrested person's breath or a test of the urine or blood for the purpose of determining the alcoholic content of the person's blood or breath or the presence of chemical substances or controlled substances; and, if so requested, the arresting officer shall have the test performed.

(e)1. By applying for a driver's license and by accepting and using a driver's license, the person holding the driver's license is deemed to have expressed his or her consent to the provisions of this section.

2. A nonresident or any other person driving in a status exempt from the requirements of the driver's license law, by his or her act of driving in such exempt status, is deemed to have expressed his or her consent to the provisions of this section.

3. A warning of the consent provision of this section shall be printed above the signature line on each new or renewed driver's license.

(f)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. Such rules must specify precisely the test or tests that are approved by the Department of Law Enforcement for reliability of result and ease of administration, and must provide an approved method of administration which must be followed in all such tests given under this section. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2.a. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

b. Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, if a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of that medical treatment, that the person's blood-alcohol level meets or exceeds the blood-alcohol level specified in s. 316.193(1)(b), the health care provider may notify any law enforcement officer or law enforcement agency. Any such notice must be given within a reasonable time after the health care provider receives the test result. Any such notice shall be used only for the purpose of providing the law enforcement officer with reasonable cause to request the withdrawal of a blood sample pursuant to this section.

c. The notice shall consist only of the name of the person being treated, the name of the person who drew the blood, the blood-alcohol level indicated by the test, and the date and time of the administration of the test.

d. Nothing contained in s. 395.3025(4), s. 456.057, or any applicable practice act affects the authority to provide notice under this section, and the health care provider is not considered to have breached any duty owed to the person under s. 395.3025(4), s. 456.057, or any applicable practice act by providing notice or failing to provide notice. It shall not be a breach of any ethical, moral, or legal duty for a health care provider to provide notice or fail to provide notice.

e. A civil, criminal, or administrative action may not be brought against any person or health care provider participating in good faith in the provision of notice or failure to provide notice as provided in this section. Any person or health care provider participating in the provision of notice or failure to provide notice as provided in this section shall be immune from any civil or criminal liability and from any professional disciplinary action with respect to the provision of notice or failure to provide notice under this section. Any such participant has the same immunity with respect to participating in any judicial proceedings resulting from the notice or failure to provide notice.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

(2) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

(3) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information relating to the alcoholic content of the blood or breath or the presence of chemical substances or controlled substances in the blood obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 316.193 upon request for such information.

Section 3. Subsection (1) of section 316.1933, Florida Statutes, is amended to read:

316.1933 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(1)*(a)* ~~Notwithstanding any recognized ability to refuse to submit to the tests provided in s. 316.1932 or any recognized power to revoke the implied consent to such tests,~~ If a law enforcement officer has probable cause to believe that a motor vehicle driven by or in the actual physical control of a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, ~~such person shall submit, upon the request of~~ a law enforcement officer *shall require the person driving or in actual physical control of the motor vehicle to submit*~~,~~ to a test of the person's blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in s. 877.111 or any substance controlled under chapter 893. The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. *Notwithstanding s. 316.1932, the testing required by this paragraph need not be incidental to a lawful arrest of the person.*

(b) The term "serious bodily injury" means an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 4. Section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(1) In addition to any other authorized penalties, the court may require that any person who is convicted of driving under the influence in violation of s. 316.193~~, and who is granted probation,~~ shall not operate a motor vehicle ~~during the period of probation~~ unless that vehicle is equipped with a functioning ignition interlock device certified by the department as provided in s. 316.1938, and installed in such a manner that the vehicle will not start if the operator's blood alcohol level is in excess of 0.05 percent or as otherwise specified by the court. The court may require the use of an approved ignition interlock device for *a* ~~the~~ period of ~~probation, said period to be for~~ not less than 6 months, if the person is permitted to operate a motor vehicle, whether *or not* the privilege to operate a motor vehicle is restricted ~~or not~~, as determined by the court. *The court, however, shall order placement of an ignition interlock device in those circumstances required by s. 316.193.*

(2) If the court imposes the use of an ignition interlock device ~~as a condition of probation~~, the court shall:

(a) Stipulate on the record the requirement for, and the period of, the use of a certified ignition interlock device.

(b) Order that the records of the department reflect such requirement.

(c) Order that an ignition interlock device be installed, as the court may determine necessary, on any vehicle owned or operated by the *person* ~~probationer~~.

(d) Determine the *person's* ~~probationer's~~ ability to pay for installation of the device if the *person* ~~probationer~~ claims inability to pay. If the court determines that the *person* ~~probationer~~ is unable to pay for installation of the device, the court may order that any portion of a fine paid by the *person* ~~probationer~~ for a violation of s. 316.193 shall be allocated to defray the costs of installing the device.

(e) Require proof of installation of the device and periodic reporting to the *department* ~~probation officer~~ for verification of the operation of the device in the *person's* ~~probationer's~~ vehicle.

(3) If the court imposes the use of an ignition interlock device ~~as a term of probation~~ on a person whose driving privilege is not suspended or revoked, the court shall require the person to provide proof of compliance to the *department* ~~probation officer~~ within 30 days. If the person fails to provide proof of installation within that period, absent a finding by the court of good cause for that failure which is entered in the court record, the court shall *notify the department* ~~revoke or terminate the person's probation~~.

(4) If the court imposes the use of an ignition interlock device ~~as a term of probation~~ on a person whose driving privilege is suspended or revoked for a period of less than 3 years, the department shall require proof of compliance before reinstatement of the person's driving privilege.

(5)(a) In addition to any other provision of law, upon conviction of a violation of this section the department shall revoke the person's driving privilege for 1 year from the date of conviction. Upon conviction of a separate violation of this section during the same period of required use of an ignition interlock device, the department shall revoke the person's driving privilege for 5 years from the date of conviction.

(b) Any person convicted of a violation of subsection (6) who does not have a driver's license shall, in addition to any other penalty provided by law, pay a fine of not less than $250 or more than $500 per each such violation. In the event that the person is unable to pay any such fine, the fine shall become a lien against the motor vehicle used in violation of subsection (6) and payment shall be made pursuant to s. 316.3025(4).

(6)(a) It is unlawful to tamper with, or to circumvent the operation of, a court-ordered ignition interlock device.

(b) It is unlawful for any person whose driving privilege is restricted pursuant to this section to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

(c) It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted pursuant to this section.

(d) It is unlawful to knowingly lease or lend a motor vehicle to a person who has had his or her driving privilege restricted ~~under a condition of probation~~ as provided in this section, unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person whose driving privilege is restricted under a condition of probation requiring an ignition interlock device shall notify any other person who leases or loans a motor vehicle to him or her of such driving restriction.

(7) Notwithstanding the provisions of this section, if a person is required to operate a motor vehicle in the course and scope of his or her employment and if the vehicle is owned by the employer, the person may operate that vehicle without installation of an approved ignition interlock device if the employer has been notified of such driving privilege restriction and if proof of that notification is with the vehicle. This employment exemption does not apply, however, if the business entity which owns the vehicle is owned or controlled by the person whose driving privilege has been restricted.

(8) In addition to the penalties provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 5. Section 316.1939, Florida Statutes, is created to read:

316.1939 Refusal to submit to testing; penalties.—

(1) Any person who has refused to submit to a chemical or physical test of his or her breath, blood, or urine, as described in s. 316.1932, and whose driving privilege was previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, and:

(a) Who the arresting law enforcement officer had probable cause to believe was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;

(b) Who was placed under lawful arrest for a violation of s. 316.193 unless such test was requested pursuant to s. 316.1932(1)(c);

(c) Who was informed that, if he or she refused to submit to such test, his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months;

(d) Who was informed that a refusal to submit to a lawful test of his or her breath, urine, or blood, if his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor; and

(e) Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional

officer

commits a misdemeanor of the first degree and is subject to punishment as provided in s. 775.082 or s. 775.083.

(2) The disposition of any administrative proceeding that relates to the suspension of a person's driving privilege does not affect a criminal action under this section.

(3) The disposition of a criminal action under this section does not affect any administrative proceeding that relates to the suspension of a person's driving privilege. The department's records showing that a person's license has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood shall be admissible and shall create a rebuttable presumption of such suspension.

Section 6. Subsections (2), (3), and (4) of section 327.35, Florida Statutes, are amended to read:

327.35 Boating under the influence; penalties; "designated drivers".—

(2)(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. By a fine of:

a. Not less than $250 or more than $500 for a first conviction.

b. Not less than $500 or more than $1,000 for a second conviction~~.~~

~~c. Not less than $1,000 or more than $2,500 for a third conviction~~; and

2. By imprisonment for:

a. Not more than 6 months for a first conviction.

b. Not more than 9 months for a second conviction.

~~c. Not more than 12 months for a third conviction.~~

(b)*1.* Any person who is convicted of a *third* ~~fourth or subsequent~~ violation of this section *for an offense that occurs within 10 years after a prior conviction for a violation of this section commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than $1,000 or more than $2,500 and by imprisonment for not more than 12 months.

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~;~~

However, the fine imposed for such fourth or subsequent violation may not be less than $1,000.

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vessel; and

(c) Who, by reason of such operation, causes *or contributes to causing*:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. *327.353* ~~316.1933~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being commits BUI manslaughter, and commits:

a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the accident, the person knew, or should have known, that the accident occurred; and

(II) The person failed to give information and render aid as required by s. *327.30* ~~316.062~~.

This sub-subparagraph does not require that the person knew that the accident resulted in injury or death.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.20 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, shall be punished:

(a) By a fine of:

1. Not less than $500 or more than $1,000 for a first conviction.

2. Not less than $1,000 or more than $2,000 for a second conviction.

3. Not less than $2,000 ~~or more than $5,000~~ for a third *or subsequent* conviction.

(b) By imprisonment for:

1. Not more than 9 months for a first conviction.

2. Not more than 12 months for a second conviction.

~~3. Not more than 12 months for a third conviction.~~

For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.20 or higher.

Section 7. Section 327.352, Florida Statutes, is amended to read:

327.352 Breath, blood, and urine tests for alcohol, chemical substances, or controlled substances; implied consent; *refusal* ~~right to refuse~~.—

(1)(a) The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by so operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath, and to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages, chemical substances, or controlled substances. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of one type of test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath or urine, or both, will result in a civil penalty of $500*, and shall also be told that if he or she refuses to submit*

to a lawful test of his or her breath or urine, or both, and he or she has been previously fined for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a chemical or physical breath or urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

(b)1. The blood-alcohol level must be based upon grams of alcohol per 100 milliliters of blood. The breath-alcohol level must be based upon grams of alcohol per 210 liters of breath.

2. An analysis of a person's breath, in order to be considered valid under this section, must have been performed substantially according to methods approved by the Department of Law Enforcement. Any insubstantial differences between approved techniques and actual testing procedures in any individual case do not render the test or test results invalid.

3. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322. The program is further responsible for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322. The program shall:

a. Establish uniform criteria for the issuance of permits to breath test operators, agency inspectors, instructors, blood analysts, and instruments.

b. Have the authority to permit breath test operators, agency inspectors, instructors, blood analysts, and instruments.

c. Have the authority to discipline and suspend, revoke, or renew the permits of breath test operators, agency inspectors, instructors, blood analysts, and instruments.

d. Establish uniform requirements for instruction and curricula for the operation and inspection of approved instruments.

e. Have the authority to specify one approved curriculum for the operation and inspection of approved instruments.

f. Establish a procedure for the approval of breath test operator and agency inspector classes.

g. Have the authority to approve or disapprove breath test instruments and accompanying paraphernalia for use pursuant to the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322.

h. With the approval of the executive director of the Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.

i. Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.

j. Enforce compliance with the provisions of this section through civil or administrative proceedings.

k. Make recommendations concerning any matter within the purview of this section, this chapter, chapter 316, or chapter 322.

l. Promulgate rules for the administration and implementation of this section, including definitions of terms.

m. Consult and cooperate with other entities for the purpose of implementing the mandates of this section.

n. Have the authority to approve the type of blood test utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322.

o. Have the authority to specify techniques and methods for breath alcohol testing and blood testing utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322.

p. Have the authority to approve repair facilities for the approved breath test instruments, including the authority to set criteria for approval.

Nothing in this section shall be construed to supersede provisions in this chapter and chapters 316 and 322. The specifications in this section are derived from the power and authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.

(c) Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of $500 *and that a refusal to submit to a lawful test of his or her blood, if he or she has previously been fined for refusal to submit to any lawful test of his or her breath, urine, or blood, is a misdemeanor*. The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.

(d) If the arresting officer does not request a chemical or physical breath test of the person arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages or controlled substances, the person may request the arresting officer to have a chemical or physical test made of the arrested person's breath or a test of the urine or blood for the purpose of determining the alcoholic content of the person's blood or breath or the presence of chemical substances or controlled substances; and, if so requested, the arresting officer shall have the test performed.

(e)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent

test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

(2) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

(3) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information relating to the alcoholic content of the blood or breath or the presence of chemical substances or controlled substances in the blood obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 327.35 upon request for such information.

Section 8. Subsection (1) of section 327.353, Florida Statutes, is amended to read:

327.353 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(1)*(a)* ~~Notwithstanding any recognized ability to refuse to submit to the tests provided in s. 327.352 or any recognized power to revoke the implied consent to such tests,~~ If a law enforcement officer has probable cause to believe that a vessel operated by a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, ~~the person shall submit, upon the request of~~ a law enforcement officer *shall require the person operating or in actual physical control of the vessel to submit*~~,~~ to a test of the person's blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in s. 877.111 or any substance controlled under chapter 893. The law enforcement officer may use reasonable force if necessary to require the person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. *Notwithstanding s. 327.352, the testing required by this paragraph need not be incidental to a lawful arrest of the person.*

(b) The term "serious bodily injury" means an injury to any person, including the operator, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 9. Section 327.359, Florida Statutes, is created to read:

327.359 Refusal to submit to testing; penalties.—Any person who has refused to submit to a chemical or physical test of his or her breath, blood, or urine, as described in s. 327.352, and who has been previously fined for refusal to submit to a lawful test of his or her breath, urine, or blood, and:

(1) Who the arresting law enforcement officer had probable cause to believe was operating or in actual physical control of a vessel in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;

(2) Who was placed under lawful arrest for a violation of s. 327.35 unless such test was requested pursuant to s. 327.352(1)(c);

(3) Who was informed that if he or she refused to submit to such test he or she is subject to a fine of $500;

(4) Who was informed that a refusal to submit to a lawful test of his or her breath, urine, or blood, if he or she has been previously fined for refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor; and

(5) Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer commits a misdemeanor of the first degree and is subject to punishment as provided in s. 775.082 or s. 775.083.

Section 10. Paragraphs (c) and (i) of subsection (3) of section 921.0022, Florida Statutes, as amended by chapter 2001-358, Laws of Florida, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
316.193(2)(b)	*3rd*	*Felony DUI, 3rd conviction.*
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	*3rd*	*Felony BUI.*
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.

Florida Statute	Felony Degree	Description
817.233	3rd	Burning to defraud insurer.
817.234(8)&(9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
		(i) LEVEL 9
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35(3)(c)3.b.	*1st*	*BUI manslaughter; failing to render aid or give information.*
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding $100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding $100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding $100,000 by financial institution.
755.0844	1st	Aggravated white collar crime.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

Florida Statute	Felony Degree	Description
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1)(i)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(j)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding $100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $100,000.

Section 11. Section 938.07, Florida Statutes, is amended to read:

938.07 Driving *or boating* under the influence.—Notwithstanding any other provision of s. 316.193 *or s. 327.35*, a court cost of $135 shall be added to any fine imposed pursuant to s. 316.193 *or s. 327.35*. The clerks shall remit the funds to the Department of Revenue, $25 of which shall be deposited in the Emergency Medical Services Trust Fund, $50 shall be deposited in the Criminal Justice Standards and Training Trust Fund of the Department of Law Enforcement to be used for operational expenses in conducting the statewide criminal analysis laboratory system established in s. 943.32, and $60 shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Trust Fund created in s. 381.79.

Section 12. Paragraph (d) of subsection (2) of section 943.05, Florida Statutes, is amended to read:

943.05 Criminal Justice Information Program; duties; crime reports.—

(2) The program shall:

(d) Adopt rules to effectively and efficiently implement, administer, manage, maintain, and use the automated fingerprint identification system and uniform offense reports and arrest reports. The rules shall be considered minimum requirements and shall not preclude a criminal justice agency from implementing its own enhancements. *However, rules and forms prescribing uniform arrest or probable cause affidavits and alcohol influence reports to be used by all law enforcement agencies in making DUI arrests under s. 316.193 shall be adopted, and shall be used by all law enforcement agencies in this state. The rules and forms prescribing such uniform affidavits and reports shall be adopted and implemented by July 1, 2004. Failure to use these uniform affidavits and reports, however, shall not prohibit prosecution under s. 316.193.*

Section 13. *The sum of $216,062 is appropriated for fiscal year 2002-2003 from recurring general revenue to the Department of Corrections to be used for the purpose of implementing this act.*

Section 14. This act shall take effect July 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to driving or boating under the influence of alcohol or controlled substances; amending s. 316.193, F.S.; reducing the number of convictions required for a felony DUI; requiring mandatory placement of an ignition interlock device under certain circumstances; revising conditions for conviction in cases of accident, serious bodily injury, or death; removing a cross reference; amending s. 316.1932, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 316.1933, F.S.; requiring a person to submit to a blood test under certain circumstances; amending s. 316.1937, F.S.; requiring placement of an ignition interlock device under certain circumstances; providing for supervision and reporting to the department; directing the court regarding requirements for ignition interlock devices; creating s. 316.1939, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; amending s. 327.35, F.S.; reducing the number of convictions required for a felony BUI; revising conditions for conviction in cases of accident, serious bodily injury, or death; conforming cross references; amending s. 327.352, F.S.; providing for notification that refusal to submit to a test of breath, blood, or urine under certain circumstances is a misdemeanor; amending s. 327.353, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; creating s. 327.359, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; amending s. 921.0022, F.S.; revising provisions relating to certain DUI offenses; including certain BUI offenses within the offense severity ranking chart; amending s. 938.07, F.S.; providing for application of a fee to persons found guilty of boating under the influence; conforming a cross reference; amending s. 943.05, F.S.; providing for adoption of rules and forms for making DUI arrests; providing an appropriation; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 1057** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by unanimous consent—

SB 1572—A bill to be entitled An act relating to funds of the Department of Education; amending s. 229.085, F.S.; eliminating provisions exempting funds held in trust for student organizations from requirements governing the deposit and disbursement of funds; eliminating provisions limiting the employment period for certain personnel administering grants or projects; eliminating a provision allowing an employee to retain his or her status as a career service employee if the employee is appointed to a position under the Projects, Contracts, and Grants Trust Fund; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (514544)(with title amendment)—On page 2, between lines 10 and 11, insert:

Section 2. *Learning Gateway.—*

(1) PROGRAM GOALS.—The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:

(a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.

(b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and sup-

ports through improved outreach and referral processes among providers.

(c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.

(d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.

(e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.

(f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.

(b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.

(c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in section 3 of this act through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.

(d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Florida Partnership for School Readiness, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

(f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect. Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chairman of the steering committee.

(g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under section 112.061, Florida Statutes.

(3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

(a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in section 3 of this act. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

(b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.

(c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.

(d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.

(e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.

(f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.

(g) Addressing system components delineated in section 3 of this act, each demonstration project proposal must include, at a minimum:

1. Protocols for requiring and receiving parental consent for Learning Gateway services.

2. A method for establishing communication with parents and coordination and planning processes within the community.

3. Action steps for making appropriate linkages to existing services within the community.

4. Procedures to determine gaps in services and identify appropriate providers.

5. A lead agency to serve as the system access point, or gateway.

(h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

(i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

Section 3. *Components of the Learning Gateway.—*

(1) The Learning Gateway system consists of the following components:

(a) Community education strategies and family-oriented access.—

1. Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems:

a. Conducting intake with families.

b. Conducting appropriate screening or referral for such services.

c. Conducting needs/strengths-based family assessment.

d. Developing family resource plans.

e. Making referrals for needed services and assisting families in the application process.

f. Providing service coordination as needed by families.

g. Assisting families in establishing a medical home.

h. Conducting case management and transition planning as necessary.

i. Monitoring performance of service providers against appropriate standards.

2. The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

3. In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demonstration projects in developing brochures and other materials to be distributed to parents of newborns.

4. In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based internet web site, as well as opportunities such as those presented by parent visits to physicians for well-child check-ups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

a. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, childcare providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards for kindergarten adopted by the School Readiness Partnership Board.

b. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(b) Screening and developmental monitoring.—

1. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

2. Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

3. Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in accordance with the American Academy of Pediatrics Periodicity Schedule.

4. Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.

5. The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.

6. Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services. After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.

7. In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs. Intervention programs for children, parents, and caregivers include those administered or funded by the:

a. Agency for Health Care Administration;

b. Department of Children and Family Services;

c. Department of Corrections and other criminal justice programs;

d. Department of Education;

e. Department of Health; and

f. Department of Juvenile Justice.

8. When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.

9. The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.

10. Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.

(c) Early education, services and supports.—

1. The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by the steering committee and consistent with effective and proven strategies. The specific services and supports may include:

a. High-quality early education and care programs.

b. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions.

c. Speech and language therapy that is age-appropriate.

d. Parent education and training.

e. Comprehensive medical screening and referral with biomedical interventions as necessary.

f. Referral as needed for family therapy, other mental health services, and treatment programs.

g. Family support services as necessary.

h. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3.

i. Referral for Part B or Part C services as required.

j. Expanded access to community-based services for parents.

k. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

2. Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

3. The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Florida Partnership for School Readiness, shall identify the elements of an effective research-based curriculum for early care and education programs.

4. The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.

5. The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.

6. Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the demonstration projects in securing state and federal waivers as appropriate.

Section 4. *Accountability.—*

(1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.

(2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.

(3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

(4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:

(a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;

(b) Improve early identification of those who are at risk for learning problems and learning disabilities;

(c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;

(d) Improve and coordinate screening for children from birth through age 9;

(e) Improve and coordinate services for children from birth through age 9;

(f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;

(g) Provide appropriate support to families;

(h) Share best practices with caregivers and referral sources;

(i) Address resource needs of the assessment and intervention system; and

(j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

Section 5. *The Legislature shall appropriate a sum of money to fund the demonstration programs and shall authorize selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding;

Pursuant to Rule 4.19, **SB 1572** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by unanimous consent—

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.

—was taken up out of order and read the second time by title.

Senator Villalobos moved the following amendments which were adopted:

Amendment 1 (925810)(with title amendment)—On page 3, line 14 through page 4, line 2, delete those lines and insert:

Section 1. Subsection (6) of section 240.213, Florida Statutes, is created to read:

240.213 Board authorized to secure liability insurance.—

(6) The claims files of a self-insurance program adopted under this section are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 3-7, delete those lines and insert: creating s. 240.213(6), F.S.; providing that the claims files of self-insurance programs adopted under this section are exempt from public-disclosure

Amendment 2 (270954)(with title amendment)—On page 4, line 14 through page 5, line 7, delete those lines:

And the title is amended as follows:

On page 1, lines 13-16, delete those lines and insert: requirements;

Amendment 3 (432544)(with title amendment)—On page 7, line 16 through page 16, line 19, and on page 17, line 11 through page 19, line 19, delete those lines.

And the title is amended as follows:

On page 1, lines 22 through page 3, line 9, delete those lines and insert: public-disclosure requirements; providing findings of public

Amendment 4 (131596)—On page 16, lines 29-30, delete "*sections 240.237 and 240.323*" and insert: *section 240.237*

Amendment 5 (572654)—On page 17, lines 6 and 7, delete "*sections 240.253 and 240.337*" and insert: *section 240.253*

Pursuant to Rule 4.19, **CS for CS for SB 1562** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by unanimous consent—

CS for CS for SB 1564—A bill to be entitled An act relating to education governance; amending s. 11.061, F.S.; providing procedures for registering as a lobbyist for a state university, college, or community college; providing penalties for employees of state universities, colleges, and community colleges who fail to register or record hours; amending s. 11.062, F.S.; prohibiting certain uses of public funds for lobbying by

state colleges; amending s. 110.123, F.S.; providing that certain personnel are eligible enrollees, state employees, and state officers for purposes of the state group insurance program; specifying that state universities and colleges are state agencies only for purposes of the state group insurance program; amending s. 120.52, F.S.; including state universities and colleges as educational units for purposes of the Administrative Procedure Act; eliminating obsolete references; amending s. 120.55, F.S.; including state colleges within provisions governing the Florida Administrative Code; amending s. 120.81, F.S.; including state universities and colleges in provisions governing rulemaking; eliminating references to the State University System; providing for university and college boards of trustees to establish a student judicial review committee; repealing s. 231.621, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program; reenacting and amending s. 239.117, F.S.; revising certain fee waivers provided under the workforce development programs and provided for adult basic instruction; conforming provisions to changes made by the act; reenacting and amending s. 240.105, F.S.; providing legislative findings with respect to the state's educational mission; reenacting s. 240.107, F.S., relating to the examination for college-level communication and computation skills; reenacting and amending s. 240.115, F.S.; conforming provisions to changes made by the act; eliminating obsolete provisions; authorizing the State Board of Education to delegate certain authority to a division director; reenacting and amending s. 240.116, F.S.; conforming provisions to changes made by the act; authorizing certain articulation agreements to establish participation requirements; permitting school districts to assign different grade weighting schemes to different types of high school courses, except for specified courses that must be graded with the same weighting scheme; providing for dual enrollment in career and technical education programs; authorizing the Articulation Coordinating Committee rather than the postsecondary educational institution to determine college course numbers for which certain high school courses will confer college credit; reenacting and amending s. 240.1161, F.S.; requiring certain articulation agreements to contain participation restrictions, including passing the common placement test and minimum grade point averages; removing a requirement that a high school plan must delineate secondary courses that confer credit in certain postsecondary courses; conforming provisions with changes made by the act in reassigning that responsibility; reenacting and amending s. 240.1162, F.S.; requiring the articulation accountability process to include independent institutions; reenacting and amending s. 240.1163, F.S.; conforming provisions to changes made by the act; eliminating certain provisions concerning dual enrollment courses and agreements; reenacting and amending s. 240.117, F.S., relating to common placement testing for postsecondary education; conforming provisions to changes made by the act; reenacting and amending s. 240.118, F.S., relating to postsecondary feedback of information to high schools; conforming provisions; reenacting and amending s. 240.1201, F.S.; authorizing acceptance of an electronic signature for certain applications; repealing ss. 240.122, 240.124, 240.125, 240.126, F.S., relating to budgeting based on programs and numbers of students, funding for continuous enrollment in college credit courses, and the consortium of postsecondary education; reenacting s. 240.127, F.S., relating to the Florida Uniform Management of Institutional Funds Act; reenacting and amending s. 240.128, F.S.; requiring legislative approval for certain acquisitions; repealing s. 240.132, F.S., relating to participation by students or employees in disruptive activities; reenacting and amending s. 240.1325, F.S.; conforming provisions prohibiting hazing activities; reenacting and amending s. 240.133, F.S.; revising provisions governing the expulsion and discipline of students; conforming provisions to changes made by the act; reenacting and amending s. 240.134, F.S.; requiring policies for accommodating religious observance; repealing s. 240.135, F.S., relating to signing vouchers for funds provided by the United States; reenacting and amending s. 240.136, F.S.; specifying certain acts sufficient for removal from office of elected student government officials; repealing s. 240.139, F.S., relating to microfilming and disposing of original records; reenacting and amending s. 240.152, F.S.; conforming provisions governing admission of students with disabilities to federal guidelines and state law; reenacting and amending s. 240.153, F.S.; conforming provisions governing progression and graduation of students with a documented disability; reenacting and amending s. 240.155, F.S.; providing requirements for campus master plans and development agreements; including in certain planning requirements land owned by a university as a result of changes made by the act; reenacting and amending s. 240.156, F.S., relating to the State University System Concurrency Trust Fund; conforming provisions to changes made by the act; reenacting and amending s. 240.2011, F.S.; eliminating obsolete references to the State University System; creating s. 240.2012, F.S.; providing for governance of the state universities and colleges; limiting authority to operate or regulate state postsecondary education institutions; providing for the status of each university and college as an independent, separate legal entity; requiring the Governor to appoint boards of trustees; providing for Senate confirmation; providing for removal of a board member based upon violation of s. 286.011, F.S.; creating each board of trustees as a public body corporate; providing requirements for suits against a board; establishing terms of office; providing responsibility for policy decisions; establishing university and college boards of trustees as instrumentalities or agencies of the state for purposes of sovereign immunity; creating s. 240.2013, F.S.; vesting each university and college board of trustees with authority to govern and set policy; providing rulemaking authority; providing for selecting, compensating, and evaluating a president; requiring a planning process; requiring each board to provide for academic freedom and academic responsibility; requiring an institutional budget request; authorizing program approval and termination; requiring legislative approval for certain programs; providing requirements for managing real property owned by the state or by the institution; retaining certain authority delegated to the Board of Internal Improvement Trust Fund and Division of State Lands; authorizing each board of trustees to secure certain appraisals and surveys in compliance with rules of the Board of Internal Improvement Trust Fund; providing for certain contracts without competitive selection; authorizing agreements for and use of certain credit transactions; authorizing establishment of a personnel program; authorizing a board to use, maintain, protect, and control certain property, names, trademarks, and other proprietary marks; authorizing restrictions on certain activities and facilities; authorizing a board to prioritize and impose charges for the use of space, property, equipment, and resources; providing for the establishment and coordination of policies relating to educational offerings; requiring that each board establish a procurement program; authorizing each board to sell, lease, license, or otherwise provide goods, materials, and services; requiring that a board comply with certain provisions in procuring professional services; requiring that a board establish and administer faculty practice plans for the academic health science centers; authorizing a board to exercise the right of eminent domain, subject to approval by the State Board of Education; requiring that a board comply with specified provisions with respect to procurement and construction contracts; providing certain exemptions; requiring that a board establish a program for the maintenance and construction of facilities; requiring that a board secure workers' compensation coverage for certain contractors and subcontractors; prohibiting naming a school, college, or center for a living person unless approved by the State Board of Education; providing requirements for a board in managing enrollment; requiring that a board advise certain students of the availability of programs at other universities and colleges and the admissions requirement of such programs; providing that a board ensure that at least half of the required coursework for any baccalaureate degree in the system is offered at the lower-division level, except in program areas approved by the State Board of Education; requiring that a board ensure that university and college students are aware of program prerequisites for certain programs; authorizing a board to rent or lease parking facilities; requiring a board to implement the university facilities plan in accordance with certain laws and guidelines; providing that for purposes of ch. 284, F.S., university and college boards of trustees are state agencies; providing an exception; creating s. 240.2014, F.S.; specifying powers and duties of each university or college president; requiring an approval process for certain contracts; providing requirements for procuring professional services; providing for removing a president from office for certain violations of s. 286.011, F.S.; authorizing a president to delegate certain authority; repealing ss. 240.202, 240.203, 240.205, 240.207, 240.209 F.S.; relating to authority of university presidents, responsibilities of the State Board of Education, and the appointment and duties of the Board of Regents; reenacting and amending s. 240.2093, F.S.; authorizing the State Board of Education to request the issuance of bonds or other forms of indebtedness; eliminating obsolete provisions; authorizing conditions under which the State Board of Education may approve the issuance of bonds or other forms of indebtedness by a direct-support organization; reenacting and amending s. 240.2094, F.S.; requiring that funds for the operation of state universities and colleges be requested and appropriated as grants and aids; eliminating obsolete provisions with respect to positions and salary rates; repealing ss. 240.20941, 240.2095, 240.2097, F.S., relating to vacant faculty positions, program approval by the Board of Regents, and required rules; reenacting and amending s. 240.2098, F.S.; requiring each college and university to have a student ombudsman office; providing for an appeal procedure; eliminating a requirement that the appeal procedure must be included in the university catalog; reenacting and amending s. 240.2099, F.S.; requiring that the State Board

of Education establish the Florida Center for Advising and Academic Support; eliminating obsolete provisions; providing for an oversight committee; requiring the universities, colleges, and community colleges to implement the system; repealing ss. 240.2111, 240.2112, F.S., relating to an employee recognition program and employee bonuses; reenacting and amending s. 240.213, F.S.; authorizing university and college boards of trustees to secure, or otherwise provide as a self-insurer, general liability insurance for the boards and others; eliminating references to the State University System; providing that general liability insurance for certain not-for-profit corporations and its officers, employees, and agents, is subject to approval of the self-insurance program council and the university or college board of trustees; requiring a board of trustees to adopt rules; providing that if the self-insurance program is established for health or veterinary services, the Vice President of Health Affairs or his or her designee shall serve as chair of the governing council; requiring an annual actuary review to establish funding requirements; providing that the self-insurance program assets shall be deposited outside the State Treasury; requiring an annual post audit and audit review; providing for funding the self-insurance program; providing for the assets of the self-insurance program to be the property of a university or college board of trustees and used only for certain expenses; providing requirements for investment income; providing rulemaking authority; reenacting and amending s. 240.214, F.S.; eliminating obsolete provisions; requiring the State Board of Education to submit an annual accountability report; repealing s. 240.2145, F.S., relating to an annual evaluation of the State University System accountability process; reenacting and amending s. 240.215, F.S.; providing for payment of costs in a civil action against officers, agents, members, or employees of a university or college board of trustees; authorizing a university or college board of trustees to obtain insurance; conforming provisions to changes made by the act; repealing ss. 240.217, 240.219, F.S., relating to eminent domain and representation by the Department of Legal Affairs in condemnation proceedings; reenacting and amending s. 240.222, F.S.; clarifying the assent of the Legislature to the Hatch Act and Morrill Land-Grant Acts for the University of Florida and Florida Agricultural and Mechanical University; reenacting and amending s. 240.223, F.S.; conforming provisions to changes made by the act; authorizing each university and college board of trustees to act as trustees; providing that all prior acts of and appointments by the former Board of Regents are approved, ratified, confirmed, and validated; reenacting and amending s. 240.229, F.S.; providing powers of universities and colleges with respect to patents, copyrights, and trademarks; repealing s. 240.231, F.S., relating to payment of costs of civil actions; reenacting and amending s. 240.233, F.S.; providing for rules governing the admission of students, subject to approval by the State Board of Education; providing registration requirements with respect to transfer students; providing requirements for orientation programs; reenacting and amending s. 240.2333, F.S.; eliminating certain rulemaking authority of the Articulation Coordinating Committee; reenacting and amending s. 240.235, F.S.; requiring each university and college board of trustees to set matriculation and tuition fees; providing for the fees to take effect; providing a cap on certain fees; eliminating obsolete dates relating to initial aggregate athletic fees; providing for a nonrefundable application fee; providing for an orientation fee; providing for a fee for security, access, or identification cards; providing for material and supplies fees; providing for a Capital Improvement Trust Fund fee; providing for a building fee; providing for a financial aid fee; requiring that proceeds of the financial aid fee remain at each campus and replace existing financial aid fees; requiring the State Board of Education to specify limits on the percent of the fees to be carried forward to the following fiscal year; providing for a portion of funds from the student financial aid fee be used to provide financial aid based on absolute need; providing award criteria; providing for certain user fees; providing an admissions deposit fee for the University of Florida College of Dentistry; providing for registration fees; providing for service charges; providing for deposit of installment-fee revenues; providing for late registration and payment fees; providing for waiver of certain fees; providing a fee for miscellaneous health-related charges; providing for housing rental rates and miscellaneous housing charges; providing for charges on overdue accounts; providing for service charges in lieu of interest and administrative handling charges; providing for a fee for certain off-campus courses; providing for library fees and fines; providing fees for duplicating, photocopying, binding, and microfilming; providing for fees for copyright services; providing for fees for testing; providing for fees and fines relating to loss and damage of facilities and equipment; providing for returned-check fees; providing for traffic and parking fines and charges; providing a fee for the educational research center for child development; providing for fees for transcripts and diploma replacement; providing for replacement card fees; providing for a systemwide standard fee schedule; authorizing a board of trustees to approve the expenditure of fee revenues; providing for a differential out-of-state tuition fee for certain universities and colleges; providing that the assessment of additional fees is subject to approval by the State Board of Education; reenacting and amending s. 240.237, F.S.; providing that each university and college board of trustees may prescribe the content and custody of certain student records and reports; reenacting and amending s. 240.239, F.S.; requiring universities and colleges to present associate in arts certificates upon request to qualified students; reenacting and amending s. 240.241, F.S.; authorizing a university board of trustees to create divisions of sponsored research; providing for policies to regulate the activities of divisions of sponsored research; requiring the board of trustees to submit reports to the State Board of Education; requiring the State Board of Education to report to the Legislature; providing that title to real property to certain lands acquired through the division of sponsored research vests in a university board of trustees; eliminating authorization of divisions of sponsored research to pay per diem and travel expenses for state officers and employees; authorizing the State Board of Education to establish additional positions within the divisions of sponsored research; providing rulemaking authority; reenacting and amending s. 240.242, F.S.; requiring the State Board of Education to certify the leasing of education facilities in a research and development park; reenacting and amending s. 240.243, F.S.; requiring state universities and colleges to follow the required number of classroom teaching hours for faculty members; reenacting and amending s. 240.245, F.S.; requiring evaluations of faculty members; requiring the State Board of Education to establish criteria for evaluating service to public schools; eliminating obsolete provisions; reenacting and amending s. 240.246, F.S.; requiring the State Board of Education to adopt rules to require tests of spoken English for certain faculty members; reenacting and amending s. 240.2475, F.S.; requiring state universities and colleges to maintain an employment equity and accountability program; eliminating obsolete provisions; requiring state university and college presidents to submit an equity report to the State Board of Education; requiring the presidential evaluations to be submitted to the State Board of Education; requiring each university and college board of trustees to evaluate its president on achieving annual equity goals; requiring the State Board of Education to submit the annual equity report to the Legislature; eliminating obsolete provisions; eliminating funding requirements; reenacting and amending s. 240.253, F.S.; requiring each university and college board of trustees to adopt rules governing employee records; reenacting and amending s. 240.2601, F.S.; conforming provisions to changes made by the act with respect to the Facility Enhancement Challenge Grant Program; providing for the State Board of Education to administer the Alec P. Courtelis Capital Facilities Matching Trust Fund; requiring the State Board of Education to submit a list of eligible projects to the Legislature; requiring that eligible projects be approved by the State Board of Education; reenacting and amending s. 240.2605, F.S.; eliminating obsolete provisions; requiring the State Board of Education to define instructions and research programs for purposes of matching grants; requiring the State Board of Education to allocate funds to match private donations; providing requirements for requests for matching funds; providing state matching funds for pledged contributions based on certain factors; requiring foundations to report to the State Board of Education; providing rulemaking authority for State Board of Education to specify certain donations; limiting the amount of matching funds used to match a single gift; providing for distribution; reenacting and amending s. 240.261, F.S.; authorizing each university and college board of trustees to adopt rules for codes of conduct; requiring a student handbook that includes student rights and responsibilities, appeals procedures, roster of contact persons, and the policy on immune deficiency syndrome; requiring that the student handbook prohibit the sale, use, or possession of certain controlled substances or alcoholic beverages by underage students; requiring a policy with respect to instruction on human immunodeficiency virus infection; requiring each university and college board of trustees to establish a committee to review the student judicial system; reenacting and amending s. 240.262, F.S.; requiring state universities and colleges to establish antihazing rules; eliminating a requirement that antihazing rules be approved by the Board of Regents; reenacting and amending s. 240.263, F.S.; providing for regulation of traffic at state universities and colleges; reenacting and amending s. 240.264, F.S.; requiring each board of trustees to adopt rules for traffic and traffic penalties; reenacting and amending s. 240.265, F.S.; specifying penalties for violating a college traffic infraction; reenacting and amending s. 240.266, F.S.; providing for payment of fines, jurisdiction, and procedures for college traffic authorities; reenacting and amending s. 240.267, F.S.; providing for the use of moneys from traffic and parking fines;

reenacting and amending s. 240.268, F.S.; providing for college police; eliminating obsolete provisions; providing for expansion of jurisdiction for university and college police to include property and facilities of direct-support organizations; reenacting and amending s. 240.2682, F.S.; providing that state universities and colleges are subject to the Florida Postsecondary Education Security Information Act; reenacting and amending s. 240.2683, F.S.; eliminating obsolete provisions; requiring each postsecondary institution to file a campus crime report with the Commissioner of Education; reenacting s. 240.2684, F.S., relating to the assessment of physical plant safety; reenacting and amending s. 240.271, F.S.; providing for funding for state universities and colleges; conforming provisions to changes made by the act; eliminating a reference to allocations by the Board of Regents; requiring the State Board of Education to establish and validate a cost-estimating system; eliminating obsolete provisions; repealing ss. 240.272, 240.273, F.S., relating to carryforward of unexpended funds and the apportionment of property to the State University System; reenacting and amending s. 240.274, F.S.; providing a mechanism for public documents to be distributed to state universities and colleges; eliminating obsolete provisions; reenacting and amending s. 240.275, F.S.; providing that the law libraries of Florida Agricultural and Mechanical University and Florida International University are state legal depositories; eliminating obsolete provisions; repealing s. 240.276, F.S., relating to specified university publications; reenacting and amending s. 240.277, F.S.; eliminating obsolete provisions; providing that certain funds received by state universities and colleges may be expended as approved by the State Board of Education; repealing s. 240.279, F.S., relating to working capital trust funds; reenacting and amending s. 240.2803, F.S.; authorizing auxiliary enterprises; repealing ss. 240.28031, 240.28035, F.S., relating to the Ancillary Facilities Construction Trust Fund and the Education-Contracts, Grants, and Donations Trust Fund; reenacting and amending s. 240.2805, F.S.; requiring the State Board of Education to administer the Capital Improvement Fee Trust Fund and the Building Fee Trust Fund; eliminating obsolete provisions; reenacting and amending s. 240.281, F.S.; authorizing the deposit of funds received by state universities and colleges outside the State Treasury; repealing ss. 240.283, 240.285, 240.287, 240.289, F.S., relating to extra compensation for State University System employees, the transfer of funds, the investment of university agency and activity funds, and use of credit, charge, and debit cards; reenacting and amending s. 240.291, F.S.; authorizing state universities and colleges to collect on delinquent accounts; providing rulemaking authority for boards of trustees; reenacting and amending s. 240.293, F.S.; authorizing contracts for certain goods and services; reenacting and amending s. 240.2945, F.S.; exempting state universities and colleges from local amendments to the Florida Building Code and the Fire Prevention Code; reenacting and amending s. 240.295, F.S.; eliminating obsolete provisions; authorizing fixed capital outlay projects for state universities and colleges; providing for the State Board of Education to adopt rules; requiring prior consultation with the student government association for certain projects; requiring each university and college board of trustees to assess campus hurricane shelters and submit a report; reenacting and amending s. 240.296, F.S.; providing for a facilities loan and debt surety program for state universities and colleges; eliminating obsolete provisions; requiring the State Board of Education to adopt rules governing secondary credit enhancement; repealing s. 240.2985, F.S., relating to the Ethics in Business Scholarship Program; reenacting and amending s. 240.299, F.S.; providing for direct-support organizations; eliminating obsolete provisions; providing for certification by the State Board of Education of direct-support organizations; authorizing the university and college boards of trustees to adopt rules prescribing certain conditions for compliance by direct-support organizations; requiring each board and the State Board of Education to review audit reports; requiring the State Board of Education to approve facility agreements; reenacting and amending s. 240.2995, F.S.; providing for college health services support organizations; authorizing boards of trustees to establish health services support organizations; authorizing the the State Board of Education to adopt rules prescribing compliance with certain conditions for the health services support organizations; eliminating obsolete provisions; authorizing a university and college board of trustees to appoint representatives to the board of directors of the health services support organization; reenacting and amending s. 240.2996, F.S., relating to confidentiality of information for college health services support organizations; eliminating obsolete provisions; amending s. 240.2997, F.S., relating to the Florida State University College of Medicine; eliminating obsolete provisions; reenacting and amending s. 240.301, F.S., relating to the definition, mission, and responsibility of community colleges; eliminating references to the State Board of Community Colleges; providing for community colleges to offer baccalaureate degrees; reenacting and amending s. 240.303, F.S.; defining the terms "community college" and "junior college" to have the same meaning; reenacting and amending s. 240.3031, F.S.; specifying the institutions that comprise the state's community colleges; deleting obsolete provisions; redesignating St. Petersburg Junior College; repealing ss. 240.305, 240.309, 240.311, 240.3115, F.S., relating to the establishment, organization, and duties of the State Board of Community Colleges; reenacting and amending s. 240.312, F.S.; providing requirements for the director of the Division of Community Colleges with respect to program reviews of community colleges; deleting obsolete provisions; reenacting and amending s. 240.313, F.S.; relating to the establishment and organization of district boards of trustees; defining the district board of trustees, community college district, and community college as one legal entity; eliminating references to the number of members on a district board; clarifying the time for taking office; reenacting and amending s. 240.315, F.S.; specifying powers of the boards of trustees as corporations; reenacting and amending s. 240.317, F.S., relating to legislative intent concerning community colleges; conforming provisions to changes made by the act; creating s. 240.318, F.S.; providing duties and powers of community college presidents; authorizing the president to delegate such powers and duties; reenacting and amending s. 240.319, F.S.; providing duties and powers of community college district boards of trustees; authorizing district boards of trustees to delegate such powers and duties; eliminating obsolete provisions; providing duties and powers of the State Board of Education; transferring specified duties from the Department of Education to the district boards of trustees; reenacting s. 240.3191, F.S., relating to community college student handbooks; reenacting s. 240.3192, F.S., relating to HIV and AIDS policy; reenacting s. 240.3193, F.S., relating to the student ombudsman office; reenacting and amending s. 240.3195, F.S.; revising provisions governing the community college retirement system; conforming provisions to changes made by the act; repealing s. 240.32, F.S., relating to the approval of new programs at community colleges; reenacting and amending s. 240.321, F.S.; requiring district boards to adopt rules governing admissions; conforming provisions to changes made by the act; reenacting and amending s. 240.3215, F.S.; providing standards for student performance for the award of degrees and certificates; reenacting and amending s. 240.323, F.S., relating to student records; transferring duties from the State Board of Community Colleges to the State Board of Education; reenacting and amending s. 240.324, F.S.; providing requirements for community college district boards of trustees with respect to accountability and evaluations; repealing s. 240.325, F.S., relating to minimum standards, definitions, and guidelines for community colleges; reenacting and amending s. 240.326, F.S.; requiring each board of trustees to adopt an antihazing policy; removing a requirement that the State Board of Education approve such policy; reenacting s. 240.327, F.S., relating to planning and construction of community college facilities; amending and reenacting s. 240.331, F.S., relating to community college direct-support organizations; requiring that the audit report be submitted to the Commissioner of Education; conforming provisions to changes made by the act; reenacting and amending s. 240.3315, F.S., relating to statewide community college direct-support organizations; requiring certification by the State Board of Education; requiring the Commissioner of Education to appoint a representative to the organization's board and executive committee; reenacting and amending s. 240.333, F.S.; providing for the purchase of land by a municipality; reenacting and amending s. 240.3335, F.S.; specifying duties of the State Board of Education with respect to centers of technology innovation; conforming provisions to changes made by the act; reenacting and amending s. 240.334, F.S., relating to technology transfer centers at community colleges; specifying duties of the State Board of Education; reenacting s. 240.3341, F.S., relating to incubator facilities for small businesses; reenacting and amending s. 240.335, F.S., relating to employment of community college personnel; clarifying employment authority of the president, district board of trustees, and State Board of Education; reenacting and amending s. 240.3355, F.S.; providing duties of the State Board of Education and the director of the Division of Community Colleges with respect to the employment equity accountability program for community colleges; conforming provisions to changes made by the act; reenacting and amending s. 240.337, F.S.; requiring each district board of trustees to adopt rules governing personnel records; reenacting and amending s. 240.339, F.S.; providing for a letter of appointment for administrative and instructional staff; reenacting and amending s. 240.341, F.S.; revising requirements for required classroom contact hours; reenacting and amending s. 240.343, F.S., relating to sick leave; deleting obsolete provisions; reenacting 240.344, F.S., relating to retirement annuities; reenacting and amending s. 240.345, F.S., relating to financial support of community colleges; requiring the State Board of

Education to adopt rules for deferring student fees; reenacting and amending s. 240.347, F.S., relating to the State Community College Program Fund; deleting obsolete provisions; reenacting s. 240.349, F.S., relating to requirements for participation in the Community College Program Fund; reenacting and amending s. 240.35, F.S., relating to student fees; authorizing a district board of trustees to set matriculation and tuition fees, based on a fee schedule adopted by the State Board of Education; providing for the designation of fees for technology improvement; authorizing a district board to establish separate fees; reenacting s. 240.353, F.S., relating to a procedure for determining the number of instruction units; reenacting and amending s. 240.3575, F.S., relating to economic development centers; authorizing the State Board of Education to award grants; reenacting and amending s. 240.359, F.S., relating to state financial support and annual apportionment of funds; eliminating provisions providing for funding programs for disabled students; conforming provisions to changes made by the act; reenacting and amending s. 240.36, F.S.; renaming the Dr. Philip Benjamin Academic Improvement Program for Community Colleges; consolidating current matching grant programs; establishing guidelines for contributions; revising the allocation process; reenacting and amending s. 240.361, F.S., relating to budgets for community colleges; requiring the Division of Community Colleges to review budgets; reenacting and amending s. 240.363, F.S., relating to financial accounting and expenditures; requiring the State Board of Education to adopt rules; authorizing a district board of trustees to adopt rules for transferring funds to direct-support organizations; reenacting s. 240.364, F.S., relating to prohibited expenditures; reenacting s. 240.365, F.S., relating to delinquent accounts; reenacting and amending s. 240.367, F.S., relating to current loans to community college district boards of trustees; transferring approval power from the Department of Education to the State Board of Education; reenacting s. 240.369, F.S., relating to an exemption provided for community colleges from regulation by a county civil service commission; reenacting s. 240.371, F.S., relating to the transfer of benefits arising under local or special acts; reenacting and amending s. 240.375, F.S., relating to costs for civil actions against officers, employees, or agents of district boards of trustees; providing that failure of a board to take certain actions does not constitute a cause of action against the board; reenacting and amending s. 240.376, F.S.; providing responsibilities of a board of trustees with respect to property held for the benefit of the community colleges; reenacting and amending s. 240.3763, F.S.; providing requirements for a district board of trustees with respect to self-insurance services; reenacting and amending s. 240.377, F.S.; clarifying the authority of a district board of trustees over the budget for promotions and public relations; reenacting s. 240.379, F.S., relating to the applicability of certain laws to community colleges; reenacting and amending s. 240.38, F.S., relating to community college police; defining the term "campus"; eliminating requirements that certain personnel rules conform to the Career Service System; reenacting s. 240.3815, F.S., relating to reporting campus crime statistics; reenacting and amending s. 240.382, F.S., relating to child development training centers; conforming provisions to changes made by the act; reenacting and amending s. 240.383, F.S., relating to the State Community College Facility Enhancement Challenge Grant Program; conforming provisions to changes made by the act; reenacting and amending s. 240.3836, F.S., relating to site-determined baccalaureate access; specifying duties of the State Board of Education; reenacting and amending s. 240.384, F.S., relating to training school consolidation pilot projects; providing for the State Board of Education to make certain budget requests with respect to a project; redesignating part IV of ch. 240, F.S., as "State-funded Student Assistance"; reenacting s. 240.40, F.S., relating to the State Student Financial Assistance Trust Fund; reenacting and amending s. 240.4015, F.S.; redesignating the Florida Merit Scholarship Program as the Florida Medallion Scholarship Program; reenacting and amending s. 240.40201, F.S.; revising the eligibility period for the Florida Bright Futures Scholarship Program; conforming provisions to changes made by the act; reenacting and amending ss. 240.40202, 240.40203, 240.40204, F.S.; revising eligibility requirements for the Florida Bright Futures Scholarship Program; revising application dates; requiring certain reports concerning a high school student's progress toward eligibility for an award; providing for initial acceptance of a scholarship to conform to changes made by the act; prohibiting awards to students earning credit hours designated at the postbaccalaureate level; eliminating obsolete provisions; reenacting and amending ss. 240.40205, 240.40206, 240.40207, F.S., relating to Florida Academic Scholars awards; conforming provisions to changes made by the act; eliminating obsolete provisions; providing for the calculation of awards; repealing s. 240.40208, F.S., relating to a transition from certain scholarships to the Bright Futures Program; reenacting and amending s. 240.40209, F.S.; requiring that awards be calculated using fees prescribed by the Department of Education; reenacting s. 240.40242, F.S., relating to the use of criteria under the Bright Futures Program for scholarships for children of deceased or disabled veterans; reenacting and amending s. 240.404, F.S.; revising eligibility requirements for state-funded student assistance; conforming provisions to changes made by the act; reenacting and amending s. 240.40401, F.S.; revising requirements for developing the state-funded student assistance database; reenacting ss. 240.4041, 240.4042, F.S., relating to state financial aid for students with a disability and the appeal process for financial aid; creating s. 240.4043, F.S.; providing state-funded fee waivers for certain students at state universities, public postsecondary education institutions, technical centers, and community colleges; reenacting and amending s. 240.405, F.S.; providing for state-funded assistance for school employees; requiring that the Department of Education administer the program; providing for loan repayments and tuition reimbursement of college expenses for students who are employed in areas of certain critical shortages; providing for a loan forgiveness program; providing for a grant program; providing for a minority teacher education scholars program; providing eligibility requirements; repealing ss. 240.4063, 240.4064, 240.4065, F.S., relating to the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Program; reenacting s. 240.4067, F.S., relating to the Medical Education Reimbursement and Loan Repayment Program; repealing s. 240.40685, F.S., relating to the Certified Education Paraprofessional Welfare Transition Program; reenacting and amending s. 240.4069, F.S., relating to the Virgil Hawkins Fellows Assistance Program; providing for the fellowship to be available to minority students enrolled at all public law schools in the state; conforming provisions to changes made by the act; reenacting ss. 240.4075, 240.4076, F.S., relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program; repealing s. 240.4082, F.S., relating to the Teacher/Quest Scholarship Program; reenacting and amending s. 240.409, F.S.; providing for a Student Assistance Grant Program; incorporating provisions governing certain need-based student grants; revising the eligibility period for certain state-funded, need-based student assistance programs; conforming provisions to changes made by the act; requiring the State Board of Education to adopt rules; repealing ss. 240.4095, 240.4097, F.S., relating to the Florida Private Student Assistance Grant Program and the Florida Postsecondary Student Assistance Grant Program; reenacting and amending s. 240.4098, F.S.; providing requirements for state-funded student assistance; repealing s. 240.40985, F.S., relating to Elderly Education Program Grants; reenacting and amending s. 240.412, F.S., relating to the Jose Marti Scholarship Challenge Grant Program; revising eligibility requirements; reenacting s. 240.4125, F.S., relating to the Mary McLeod Bethune Scholarship Program; reenacting and amending s. 240.4126, F.S.; authorizing certain scholarships under the Rosewood Family Scholarship Program; reenacting s. 240.4128, F.S., relating to the minority teacher education scholars program; reenacting and amending s. 240.4129, F.S.; revising the appointment of members to the Florida Fund for Minority Teachers, Inc., to conform to changes made by the act; reenacting and amending s. 240.413, F.S., relating to the Seminole and Miccosukee Indian Scholarships; revising eligibility requirements; repealing ss. 240.414, 240.4145, 240.4146, 240.417, F.S., relating to the Latin American and Caribbean Basin Scholarship Program, the African and Afro-Caribbean Scholarship Program, the Nicaraguan and Haitian Scholarship Program, and increased registration or tuition fees for funding financial aid programs; reenacting s. 240.418, F.S., relating to need-based financial aid; reenacting and amending s. 240.421, F.S.; creating the Florida Advisory Council for State-Funded Student Assistance; conforming provisions to changes made in the act; reenacting and amending s. 240.424, F.S.; revising duties of the Department of Education to conform to changes made in the act; reenacting ss. 240.429, 240.431, F.S., relating to certain activities of the department and funding; reenacting and amending s. 240.437, F.S.; providing for developing and administering state-funded student assistance; reenacting ss. 240.439, 240.441, 240.447, 240.449, 240.451, 240.453, 240.457, 240.459, 240.4595, 240.461, 240.463, F.S., relating to the Student Loan Program; reenacting and amending s. 240.465, F.S., relating to the handling of delinquent accounts by the Department of Education; reenacting ss. 240.47, 240.471, 240.472, 240.473, 240.474, 240.475, 240.476, 240.477, 240.478, 240.479, 240.48, 240.481, 240.482, 240.483, 240.484, 240.485, 240.486, 240.487, 240.488, 240.489, 240.49, 240.491, 240.492, 240.493, 240.494, 240.495, 240.496, 240.497, F.S., relating to the Florida Higher Education Loan Act; reenacting s. 240.4975, F.S., relating to the authority of the State Board of Administration to borrow and lend funds to finance student loans; reenacting and amending s. 240.498, F.S.; revising requirements for appointing members to

the board of the Florida Education Fund; repealing s. 240.4986, F.S., relating to the Health Care Education Quality Enhancement Challenge Grant Program for Community Colleges; reenacting and amending s. 240.4987, F.S.; expanding the institutions participating in the Florida Minority Medical Education Program; reenacting ss. 240.4988, 240.4989, F.S., relating to the Theodore R. and Vivian M. Johnson Scholarship Program and educational leadership enhancement grants; creating s. 240.499, F.S.; providing for the William L. Boyd, IV, Florida resident access grants; providing requirements for eligibility; providing a funding formula; creating s. 240.4991, F.S.; providing for an Ethics in Business Scholarship Program; creating s. 240.4992, F.S.; providing for ethics in business scholarships; authorizing the State Board of Education to adopt rules; creating s. 240.4993, F.S.; providing for a Florida Work Experience Program; providing for eligibility; requiring the department to adopt rules; reenacting and amending s. 240.501, F.S.; revising provisions authorizing the Board of Trustees of the University of Florida to receive grants of money appropriated under a specified Act of Congress; requiring that agricultural and home economics extension work be carried on in connection with the Institute of Food and Agricultural Sciences; repealing s. 240.503, F.S., relating to assent by the Legislature to receive certain grants; creating s. 240.504, F.S.; providing the assent of the Legislature to provisions of a specified Act of Congress; authorizing the Board of Trustees of Florida Agricultural and Mechanical University to receive certain grants; reenacting and amending s. 240.505, F.S.; providing for the administration of and program support for the Florida Cooperative Extension Service; providing for extension agents to be appointed as faculty members; providing for joint employment and personnel policies; requiring availability of certain program materials; reenacting and amending s. 240.507, F.S.; authorizing the Institute of Food and Agricultural Sciences to pay the employer's share of certain required premiums; reenacting s. 240.5095, F.S., relating to research and development programs funded by pari-mutuel wagering revenues; reenacting and amending s. 240.511, F.S.; authorizing acceptance of certain federal appropriations for the Institute of Food and Agricultural Sciences; reenacting and amending s. 240.5111, F.S., relating to the Multidisciplinary Center for Affordable Housing; conforming provisions to changes made by the act; reenacting and amending ss. 240.512, 240.5121, F.S.; revising certain provisions for use of lands and facilities on the campus of the University of South Florida; revising requirements for the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute; establishing an approval process for not-for-profit corporate subsidiaries; providing conditions for sovereign immunity for the not-for-profit corporation and its subsidiaries; providing duties of a chief executive officer; providing duties of the State Board of Education; conforming provisions to changes made by the act; authorizing the State Board of Education to adopt rules; reenacting and amending s. 240.513, F.S., relating to the J. Hillis Miller Health Center at the University of Florida; including additional teaching hospitals as part of the center; providing duties of the university board of trustees; conforming provisions to changes made by the act; reenacting and amending s. 240.5135, F.S., relating to Shands Jacksonville Healthcare, Inc.; authorizing the Board of Trustees of the University of Florida to secure liability coverage; eliminating references to the Board of Regents; reenacting and amending s. 240.514, F.S.; eliminating authorization of the Louis De La Parte Florida Mental Health Institute to use the pay plan of the State University System; reenacting s. 240.515, F.S., relating to the Florida Museum of Natural History; reenacting s. 240.516, F.S., relating to vertebrate paleontological sites and remains; reenacting s. 240.5161, F.S., relating to the program of vertebrate paleontology within the Florida Museum of Natural History; reenacting and amending s. 240.5162, F.S., relating to field investigation permits; conforming a cross-reference; reenacting s. 240.5163, F.S., relating to the preservation of certain rights of mine or quarry operators and dragline or heavy equipment operations; reenacting and amending s. 240.517, F.S., relating to the furnishing of books by the Clerk of the Supreme Court; eliminating references to the Board of Regents; reenacting s. 240.518, F.S., relating to the Historically Black College and University Library Improvement Program; amending s. 240.5185, F.S.; providing for small grants to faith-based organizations for partnerships with universities and colleges; eliminating obsolete reporting requirements; repealing s. 240.5186(10), F.S., relating to the community computer access grant program; eliminating obsolete reporting requirements; repealing ss. 240.519, 240.52, F.S., relating to a school of optometry and collections management for museums and galleries of the State University System; reenacting and amending s. 240.527, F.S., relating to the University of South Florida at St. Petersburg; providing duties of the State Board of Education; eliminating obsolete funding requirements; providing rulemaking authority; amending s. 240.5275, F.S., relating to the University of South Florida Sarasota/Manatee; conforming provisions to changes made by the act; providing rulemaking authority; amending s. 240.5277, F.S., relating to New College of Florida; conforming provisions; providing that the student body president is an ex officio, voting member of the board of trustees; amending s. 240.5278, F.S.; revising requirements for certain policies of St. Petersburg College; providing duties of the State Board of Education; requiring that the Commissioner of Education resolve issues involving upper-division students; eliminating obsolete provisions; repealing ss. 240.528, 240.5285, F.S., relating to the Broward County campuses of Florida Atlantic University and the Florida Atlantic University campuses; reenacting and amending s. 240.529, F.S., relating to public accountability and state approval for teacher preparation programs; eliminating obsolete provisions; authorizing colleges to establish preteacher and teacher education pilot programs; repealing ss. 240.52901, 240.5291, 240.53, F.S., relating to rules for teaching students with limited English proficiency, teaching profession enhancement grants, and postdoctoral programs to train faculty to provide middle childhood education training and technical assistance; reenacting and amending s. 240.531, F.S.; providing for governance of educational research centers by the university board of trustees rather than the Board of Regents; authorizing boards of trustees to adopt rules; authorizing funding using a portion of the Capital Improvement Trust Fund; reenacting and amending s. 240.5321, F.S.; requiring the State Board of Education rather than the Board of Regents to establish a Center for Brownfield Rehabilitation Assistance; reenacting and amending s. 240.5325, F.S.; providing duties of the State Board of Education and the Commissioner of Education with respect to research activities relating to solid and hazardous waste management; eliminating obsolete provisions; repealing s. 240.5326, F.S., relating to research protocols to determine the most appropriate pollutant dispersal agents; reenacting s. 240.5329, F.S., relating to the Florida LAKEWATCH Program; reenacting and amending s. 240.533, F.S.; creating the Council on Equity in Athletics from among the state universities and colleges; requiring the Commissioner of Education to serve as chair of the council; providing for membership on the council; requiring the State Board of Education to determine the level of funding and support for women's intercollegiate athletics; requiring gender equity plans; eliminating obsolete provisions; repealing ss. 240.5339, 240.5340, 240.5341, 240.5342, 240.5343, 240.5344, 240.5345, 240.5346, 240.5347, 240.5348, 240.5349, F.S., relating to the Collegiate Athletic Association Compliance Enforcement Procedures Act; reenacting and amending s. 240.535, F.S.; assigning the New World School of the Arts to the State Board of Education and other entities; conforming provisions to changes made by the act; repealing ss. 240.539, 240.540, 240.541, F.S., relating to advanced technology research, the incubator facilities program, and postsecondary education programs of excellence; amending s. 240.551, F.S., relating to the Florida Prepaid College Program; conforming provisions to changes made by the act; including certain colleges within state postsecondary institutions; providing for the Attorney General, the Chief Financial Officer, the Director of the Division of Colleges and Universities, and the Director of the Division of Community Colleges to be members of the Florida Prepaid College Board; requiring the Chief Financial Officer to approve qualified public depositories; providing for strategic alliances with certain entities; reenacting s. 240.552, F.S., relating to the Florida Prepaid Tuition Scholarship Program; reenacting and amending s. 240.553, F.S.; authorizing the Florida College Savings Program Board to establish agreements with colleges; authorizing alliances with certain entities; repealing ss. 240.6045, 240.605, 240.6054, 240.606, F.S., relating to the limited-access competitive grant program, William L. Boyd, IV, Florida resident access grants, ethics in business scholarships, and the Florida Work Experience Program; reenacting and amending s. 240.607, F.S.; authorizing community college boards of trustees to develop and sign articulation agreements; eliminating obsolete provisions; repealing ss. 240.6071, 240.6072, 240.6073, 240.6074, 240.6075, 240.609, F.S., relating to the occupational therapist or physical therapist critical shortage program, a student loan forgiveness program, a scholarship loan program, a tuition reimbursement program, and postsecondary endowment grants; reenacting and amending s. 240.61, F.S., relating to the college reach-out program; conforming provisions to changes made by the act; eliminating a requirement that the State Board of Education give preference to a program that identifies participants from among students who are not already enrolled in similar programs; eliminating a requirement that certain appropriations be for initiatives and performances; revising the membership of the advisory council; requiring that the Commissioner of Education appoint members to the advisory council unless otherwise provided; authorizing representation from the Council for Education Policy Research and Improvement, state colleges, universities,

community colleges, and equal opportunity coordinators; revising reporting requirements; eliminating funding requirements; reenacting s. 240.631, F.S., relating to the Institute for Nonviolence; reenacting and amending s. 240.632, F.S.; requiring the State Board of Education to establish the Institute for Nonviolence; revising membership of the advisory board; reenacting ss. 240.633, 240.634, F.S., relating to the powers and duties of the Institute for Nonviolence and institute fellowships; reenacting and amending s. 240.636, F.S., relating to research of the Rosewood incident; eliminating obsolete provisions; reenacting and amending s. 240.70, F.S.; including state colleges in provisions for courses to assist substance-abuse recognition and referral; reenacting and amending s. 240.701, F.S.; including state colleges in provisions establishing incentives for internships for disadvantaged areas; reenacting and amending s. 240.702, F.S.; authorizing the Commissioner of Education to designate a conflict resolution consortium center; eliminating obsolete provisions; reenacting and amending s. 240.705, F.S.; authorizing colleges to participate in partnerships to develop child protection workers; reenacting and amending s. 240.706, F.S., relating to the Leadership Board for Applied Public Services; conforming provisions to changes made by the act; reenacting and amending s. 240.709, F.S.; including state colleges in provisions creating the Institute on Urban Policy and Commerce; amending s. 240.710, F.S.; authorizing the State Board of Education to create the Digital Media Education Coordination Group; eliminating obsolete provisions; amending ss. 240.7101, 240.7105, F.S., relating to the colleges of law at Florida International University and Florida Agricultural and Mechanical University; conforming provisions to changes made by the act; amending s. 240.711, 242.3305, F.S., relating to the Ringling Center for Cultural Arts and the School for the Deaf and the Blind; conforming cross-references; amending ss. 243.01, 243.105, 243.141, 243.151, F.S., relating to the educational institutions law; providing for the State Board of Education to assume the duties of the former Board of Regents; eliminating obsolete references; authorizing university and college boards of trustees to enter into certain agreements to lease land, purchase, or lease-purchase certain lands, facilities, and related improvements; providing that all agreements executed by the former Board of Regents for certain purposes are validated, ratified, and confirmed; amending s. 243.52, F.S.; revising definitions governing the funding of educational facilities to conform to changes made by the act; amending s. 282.005, F.S., relating to information resources management; assigning certain functions to the boards of trustees of universities, colleges, and community colleges; amending ss. 282.103, 282.105, F.S.; requiring state universities, colleges, and other entities to use SUNCOM; amending s. 282.106, F.S.; providing for SUNCOM service to the libraries of state colleges and universities; amending s. 282.3031, F.S.; assigning functions of information resources management to boards of trustees of universities, colleges, and community colleges; amending ss. 282.3063, 282.310, F.S.; eliminating a requirement that the State University System submit a specified planning and management report to the State Technology Office; requiring that an annual report include such planning and management information from annual reports prepared by the university and college boards of trustees and the community college district boards of trustees; eliminating obsolete provisions; amending s. 284.34, F.S.; excluding professional medical liability and nuclear energy liability of the university boards of trustees from the State Risk Management Trust Fund; eliminating obsolete provisions; amending s. 287.042, F.S., relating to state purchasing; conforming a cross-reference to changes made by the act; amending s. 447.203, F.S.; establishing the university and college boards of trustees as a public employer rather than the former Board of Regents; eliminating provisions authorizing graduate assistants as nonpublic employees; providing that the university or college board of trustees is the legislative body for purposes of collective bargaining; providing requirements for selecting a student representative for collective bargaining purposes; amending s. 447.301, F.S.; eliminating provisions authorizing reimbursement for university representatives for travel and per diem expenses from student activity fees; amending s. 447.403, F.S.; revising provisions for resolving disputes involving a collective bargaining agreement; eliminating obsolete provisions; amending s. 766.112, F.S.; prescribing applicability of provisions relating to comparative fault to boards of trustees; amending s. 768.28, F.S.; providing venue in actions brought against boards of trustees; providing applicability of provisions relating to waiver of sovereign immunity to boards of trustees; amending s. 626.852, F.S.; providing inapplicability of provisions relating to insurance adjusters to employees and agents of a board of trustees; amending s. 627.912, F.S.; requiring certain reports with respect to actions for damages caused by employees or agents of a board of trustees; providing effective dates.

—was taken up out of order and read the second time by title.

THE PRESIDENT PRESIDING

Senator Villalobos moved the following amendments which were adopted:

Amendment 1 (101590)—On page 96, line 24; on page 260, line 24; on page 288, line 5; and on page 332, line 25, delete "community college system" and insert: *community colleges* ~~community college system~~

Amendment 2 (353306)—On page 97, lines 20 and 21, delete those lines and insert: *Department of Education*. ~~Division of Universities, Division of Community Colleges, and Division of Workforce Development~~ In addition,

Amendment 3 (463890)—On page 99, lines 6-8, delete those lines and insert: *the state universities, colleges, and community colleges*. ~~any of the constituent institutions under the jurisdiction of the State University System or the Florida Community College System.~~

Amendment 4 (464074)—On page 127, lines 18-20, delete those lines and insert:

(22) *State Board of Education* ~~In consultation with the state land planning agency, the Board of Regents shall adopt rules implementing subsections (3)-(6) within 180 days after July 1, 1993. The~~

Amendment 5 (754502)(with title amendment)—On page 132, between lines 14 and 15, insert: Section 35. Section 240.20125, Florida Statutes, is created to read:

240.20125 State University and College Boards of Trustees Council.—

(1) The State University and College Boards of Trustees Council is established, to be comprised of the chairpersons of each of the university and college boards of trustees and the chairperson of the State Board of Education. The council is directed to provide statewide policy direction and guidance relative to the state universities and colleges.

(2) All meetings of the State University and College Boards of Trustees Council shall be open to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution, unless made confidential or exempt by law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 28, after "s. 240.2013, F.S.;" insert: creating s. 240.20125, F.S.; establishing the State University and College Boards of Trustees Council; providing membership of the council and duties; providing for public meetings

Amendment 6 (903290)—On page 150, delete line 19 and insert: ~~exempt from the provisions of s. 119.07(1),~~ and are only for

Amendment 7 (225914)—On page 150, between lines 28 and 29, insert: *(6) The claims files of a self-insurance program adopted under this section are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.*

Amendment 8 (112160)—On page 177, line 14; on page 275, line 26; and on page 632, line 29, after "s. 119.07(1)" insert: *and s. 24(a), Art. I of the State Constitution,*

Amendment 9 (323596)—On page 179, line 3; on page 192, line 8; on page 193, line 19; on page 232, line 23; on page 284, line 7; on page 301, line 10; and on page 632, line 27, after "s. 119.07(1)" insert: *and s. 24(a), Art. I of the State Constitution*

Amendment 10 (410896)(with title amendment)—On page 233, line 15 through page 240, line 5, delete those lines and insert:

240.2995 University health services support organizations.—

(1) Each state university *may* ~~is authorized to~~ establish university health services support organizations *that* ~~which shall~~ have the ability to enter into, for the benefit of the university academic health sciences

center, arrangements with other entities as providers in other integrated health care systems or similar entities. To the extent required by law or rule, university health services support organizations shall become licensed as insurance companies, pursuant to chapter 624, or be certified as health maintenance organizations, pursuant to chapter 641. University health services support organizations shall have sole responsibility for the acts, debts, liabilities, and obligations of the organization. In no case shall the state or university have any responsibility for such acts, debts, liabilities, and obligations incurred or assumed by university health services support organizations.

(2) Each university health services support organization shall be a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State.

(3) The *State Board of Education* ~~Board of Regents~~ may prescribe, by rule, conditions with which a university health services support organization must comply in order to be certified. *Each university board of trustees may adopt rules providing the conditions with which a university health support organization must comply in order* ~~and~~ to use property, facilities, or personal services at *the* ~~any~~ state university. The rules must provide for budget, audit review, and oversight by the *State Board of Education* ~~Board of Regents~~. Such rules shall provide that the university health services support organization may provide salary supplements and other compensation or benefits for university faculty and staff employees only as set forth in the organization's budget, which *is* ~~shall be~~ subject to approval by the university president.

(4) *Each university board of trustees* ~~The chair of the Board of Regents~~ may appoint a representative to the board of directors and the executive committee of any university health services support organization established under this section. The president of the university for which the university health services support organization is established, or the president's designee, shall also serve on the board of directors and the executive committee of any university health services support organization established to benefit that university.

(5) Each university health services support organization shall provide for an annual financial audit in accordance with *s. 240.299(5)* ~~s. 240.299(4)~~. The auditor's report, management letter, and any supplemental data requested by the *State Board of Education* ~~Board of Regents~~ and the Auditor General *are* ~~shall be considered~~ public records, pursuant to s. 119.07.

Section 98. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.2996, Florida Statutes, shall not stand repealed January 7, 2003, as scheduled by that law, but that section is reenacted and amended to read:

240.2996 University health services support organization; confidentiality of information.—

(1) All meetings of a governing board of a university health services support organization and all university health services support organization records shall be open and available to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution and chapter 119 and s. 24(a), Art. I of the State Constitution, respectively, unless made confidential or exempt by law. Records required by the Department of Insurance to discharge its duties shall be made available to the department upon request.

(2) The following ~~university health services support organization's~~ records and information *of a university health services support organization* are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Contracts for managed care arrangements under which the university health services support organization provides health care services, preferred provider organization contracts, health maintenance organization contracts, alliance network arrangements, and exclusive provider organization contracts, and any documents directly relating to the negotiation, performance, and implementation of any such contracts for managed care arrangements or alliance network arrangements. As used in this paragraph, the term "managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services. Managed-care techniques most often include one or more of the following: prior, concurrent, and retrospective review of the medical necessity and appropriateness of services or site of services; contracts with selected health care providers; financial incentives or disincentives related to the use of specific providers, services, or service sites; controlled access to and coordination of services by a case manager; and payor efforts to identify treatment alternatives and modify benefit restrictions for high-cost patient care.

(b) Each university health services support organization's marketing plan the disclosure of which may reasonably be expected by the organization's governing board to be used by a competitor or an affiliated provider of the organization to frustrate, circumvent, or exploit the purposes of the plan before it is implemented and which is not otherwise known or cannot be legally obtained by a competitor or an affiliated provider. However, documents that are submitted to the organization's governing board as part of the board's approval of the organization's budget, and the budget itself, are not confidential and exempt.

(c) Trade secrets, as defined in s. 688.002, including reimbursement methodologies and rates.

(d) The records of the peer review panels, committees, governing board, and agents of the university health services support organization which relate solely to the evaluation of health care services and professional credentials of health care providers and physicians employed by or providing services under contract to the university health services support organization. The exemptions created by this paragraph shall not be construed to impair any otherwise established rights of an individual health care provider to inspect documents concerning the determination of such provider's professional credentials.

(3) Any portion of a governing board or peer review panel or committee meeting during which a confidential and exempt contract, document, record, marketing plan, or trade secret, as provided for in subsection (2), is discussed is exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution.

(4) Those portions of any public record, such as a tape recording, minutes, and notes, generated during that portion of a governing board or peer review panel or committee meeting which is closed to the public pursuant to this section, which contain information relating to contracts, documents, records, marketing plans, or trade secrets which are made confidential and exempt by this section, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(5) The exemptions from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and s. 286.011 and s. 24(b), Art. I of the State Constitution provided in this section do not apply if the governing board of a university health services support organization votes to lease, sell, or transfer all or any substantial part of the facilities or property of the university health services support organization to a nonpublic entity.

(6) Any person may petition a court of competent jurisdiction for an order for the public release of those portions of any public record, such as a tape recording, minutes, or notes, generated during that portion of a governing board meeting which is closed to the public pursuant to subsection (3), which record is made confidential and exempt by subsection (4). Any action pursuant to this subsection must be brought in the county where the principal office of the university health services support organization is located, as reflected in the records of the *custodian of state records* ~~Secretary of State~~. In any order for the public release of a record pursuant to this subsection, the court shall make a finding that a compelling public interest is served by the release of the record or portions thereof which exceeds the public necessity for maintaining the confidentiality of such record as described in s. 2, chapter 96-171, Laws of Florida, and that the release of the record will not cause damage to or adversely affect the interests of private persons, business entities, the university health services support organization, or the affiliated university.

(7) Those portions of any public record, such as a tape recording, minutes, or notes, generated during that portion of a governing board meeting at which negotiations for contracts for managed-care arrangements occur, are reported on, or are acted on by the governing board, which record is made confidential and exempt by subsection (4), shall become public records 2 years after the termination or completion of the term of the contract to which such negotiations relate or, if no contract was executed, 2 years after the termination of the negotiations. Notwithstanding paragraph (2)(a) and subsection (4), a university health services support organization must make available, upon request, the title

and general description of a contract for managed-care arrangements, the names of the contracting parties, and the duration of the contract term. All contracts for managed-care arrangements which are made confidential and exempt by paragraph (2)(a), except those portions of any contract containing trade secrets which are made confidential and exempt by paragraph (2)(c), shall become public 2 years after the termination or completion of the term of the contract.

(8) A university health services support organization may petition a court of competent jurisdiction to continue the confidentiality of any public record made nonconfidential by this section, upon a showing of good cause. In determining good cause, the court shall balance the property, privacy, and economic interests of any affected person or business entity with those of the university health services support organization and with the public interest and must make a finding that a substantial public interest is served by the continued confidentiality of the public record for an additional time period. The length of time for this continued exemption may be no longer than is necessary to protect that substantial public interest.

(9) This act does not preclude discovery of records and information that are otherwise discoverable under the Florida Rules of Civil Procedure or any statutory provision allowing discovery or presuit disclosure of such records and information for the purpose of civil actions.

And the title is amended as follows:

On page 20, line 27 through page 21, line 8, delete those lines and insert: university health services support organizations; authorizing boards of trustees to establish health services support organizations; authorizing the State Board of Education to adopt rules prescribing compliance with certain conditions for the health services support organizations; eliminating obsolete provisions; authorizing a university board of trustees to appoint representatives to the board of directors of the health services support organization; reenacting and amending s. 240.2996, F.S., relating to confidentiality of information for health services

Amendment 11 (701508)—On page 260, line 24, delete "Community College System" and insert: *Community College* ~~Community College System~~

Amendment 12 (882106)—On page 320, line 5 and on page 324, line 26, delete "*12*" and insert: *(13)*

Amendment 13 (331942)—On page 329, lines 28-31 and on page 330, lines 1-22, delete those lines and insert:

2. The cost-to-continue allocation, which consists of incremental changes to the base budget, including salaries, price levels, and other related costs allocated through a funding model approved by the Legislature which may recognize differing economic factors arising from the individual educational approaches of the various community colleges, including, but not limited to:

a. Direct Instructional Funding, including class size, faculty productivity factors, average faculty salary, ratio of full-time to part-time faculty, costs of programs, and enrollment factors.

b. Academic Support, including small colleges factor, multicampus factor, and enrollment factors.

c. Student Services Support, including headcount of students as well as FTE count and enrollment factors.

d. Library Support, including volume and other materials/audiovisual requirements.

e. Special Projects.

f. Operations and Maintenance of Plant, including square footage and utilization factors.

g. District Cost Differential.

~~2. The cost-to-continue allocation, which consists of incremental changes to the base budget, including salaries, price levels, and other related costs.~~

~~3. Enrollment workload adjustment, which shall be determined as follows:~~

~~a. The actual full-time equivalent enrollment for the prior year, as accepted or modified by the Legislature, shall be the assigned enrollment and the basis for allocating appropriated funds for enrollment workload. If the enrollment workload allocation to a college is determined to be less than zero, the reduction in allocation shall be implemented over a 2-year period.~~

~~b. The systemwide average direct instructional cost level of each program of study shall be used to calculate the enrollment workload adjustment. This amount, multiplied by a factor of 1.3, for support services shall be multiplied by the change in enrollment as determined in sub-subparagraph a. From this amount, student matriculation and tuition fees generated by the change in assigned enrollment shall be deducted and the remaining amount shall be the state allocation to each college for enrollment workload.~~

~~c. Students enrolled in a recreation and leisure program and students enrolled in a lifelong learning program may not be counted as full-time equivalent enrollments for purposes of enrollment workload adjustments.~~

Amendment 14 (835976)—On page 380, line 22 and on page 387, line 9, after "university," insert: *, college,*

Amendment 15 (181482)—On page 387, line 15, delete "s. 240.235(2)" and insert: *s. 240.4043(2)(f)* ~~s. 240.235(2)~~

Amendment 16 (740702)—On page 387, on lines 21 and 25, after "*university*," insert: *or college*

Amendment 17 (674454)—On page 399, line 14, after "*university,*" insert: *college,*

Senator Villalobos moved the following amendment:

Amendment 18 (683164)(with title amendment)—On page 654, between lines 7 and 8, insert:

Be It Enacted by the Legislature of the State of Florida:

Section 336. *The renovated transplant housing unit at the University of Florida's Shands Hospital is designated as the "Gerold L. Schiebler/Shands Transplant Housing Complex."*

Section 337. *The School of Business and Industry building at Florida Agricultural and Mechanical University is designated as the "Sybil C. Mobley Business Building."*

Section 338. *The new allied health building at Florida Agricultural and Mechanical University is designated as the "Jacqueline B. Beck-Margaret W. Lewis Allied Health Building."*

Section 339. *The architecture building at Florida Agricultural and Mechanical University is designated as the "Walter L. Smith Architecture Building."*

Section 340. *The building which houses the University of Central Florida Downtown Center is designated as the "James and Annie Ying Academic Center."*

Section 341. *The student/community educational facility for health at Florida Gulf Coast University is designated as the "Kleist Health Education Center."*

Section 342. *The new gymnasium/athletics facility at Florida Gulf Coast University is designated as the "Alico Arena."*

Section 343. *The new demonstration and education model building to promote environmentally sustainable living conditions at Florida Gulf Coast University is designated as the "WCI Green Building Demonstration and Learning Center."*

Section 344. *The new foundation building to be erected on the Palmer Campus of New College is designated as the "Keating Center."*

Section 345. *The new nursing building on the Boca Raton Campus of Florida Atlantic University is designated as the "Christine E. Lynn Nursing Building."*

Section 346. *The two east-west roads on the north and south sides of the Esplanade leading to the John and Mable Ringling Museum of Art in Sarasota between Bayshore Road and U.S. Highway 41 are designated the John McKay Boulevard of the Cultural Arts.*

Section 347. *The proposed entrance pavilion for the John and Mable Ringling Museum of Art in Sarasota, when funded and completed, shall be designated the John McKay Center for the Arts.*

Section 348. *The universities named in this act are authorized to erect suitable markers for the designations made by the act.*

Section 349. *The Department of Transportation is directed to erect suitable markers bearing the designation made by section 11 of this act, at least one to be placed on U.S. Highway 41.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 45, line 19, after the semicolon (;) insert: designating certain buildings and roads at state universities with the names of living persons; requiring certain universities and the Department of Transportation to erect markers;

Senator Saunders offered the following amendment to **Amendment 18** which was moved by Senator Villalobos and adopted:

Amendment 18A (494580)(with title amendment)—On page 2, between lines 28 and 29, insert:

Section 348. *The State of Florida Office Complex at 2295 Victoria Avenue in Fort Myers is hereby designated as the "Joseph P. D'Alessandro Office Complex." The Department of Management Services is authorized to erect suitable markers designating the Joseph P. D'Alessandro Office Complex as described in this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, delete line 16 and insert: persons; requiring certain universities, the Department of Management Services, and the

Senator Villalobos moved the following amendment to **Amendment 18** which was adopted:

Amendment 18B (420866)—On page 3, line 3, delete "*11*" and insert: *346*

Amendment 18 as amended was adopted.

Senator Villalobos moved the following amendment which was adopted:

Amendment 19 (830410)(with title amendment)—On page 654, between lines 7 and 8, insert:

Section 336. *Florida Alzheimer's Center and Research Institute.—*

(1) There is established the Florida Alzheimer's Center and Research Institute at the University of South Florida.

(2)(a) The State Board of Education shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the Florida Alzheimer's Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the Florida Alzheimer's Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the state, shall govern and operate the Florida Alzheimer's Center and Research Institute in accordance with the terms of the agreement between the State Board of Education and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the State Board of Education, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission.

(b)1. The affairs of the not-for-profit corporation shall be managed by a board of directors who shall serve without compensation. The board of directors shall consist of the President of the University of South Florida and the chair of the State Board of Education, or their designees, five representatives of the state universities, and no fewer than nine nor more than 14 representatives of the public who are neither medical doctors nor state employees. Each director who is a representative of a state university or of the public shall serve a term of 3 years. The chair of the board of directors shall be selected by a majority vote of the directors. Each director shall have only one vote.

2. The initial board of directors shall consist of the President of the University of South Florida and the chair of the State Board of Education, or their designees; the five university representatives, of whom one shall be appointed by the Governor, two by the President of the Senate, and two by the Speaker of the House of Representatives; and nine public representatives, of whom three shall be appointed by the Governor, three by the President of the Senate, and three by the Speaker of the House of Representatives. Upon the expiration of the terms of the initial appointed directors, all directors subject to 3-year terms of office under this paragraph shall be elected by a majority vote of the directors and the board may be expanded to include additional public representative directors up to the maximum number allowed. Any vacancy in office shall be filled for the remainder of the term by majority vote of the directors. Any director may be reelected.

(3) The State Board of Education shall provide in the agreement with the not-for-profit corporation for the following:

(a) Approval by the State Board of Education of the articles of incorporation of the not-for-profit corporation.

(b) Approval by the State Board of Education of the articles of incorporation of any not-for-profit corporate subsidiary created by the not-for-profit corporation.

(c) Utilization of hospital facilities and personnel by the not-for-profit corporation and its subsidiaries for mutually approved teaching and research programs conducted by the University of South Florida or other accredited medical schools or research institutes.

(d) Preparation of an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the State Board of Education for review. The State Board of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries or from their independent auditor any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(e) Provision by the not-for-profit corporation and its subsidiaries of equal employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(4) The State Board of Education is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries, pursuant to section 240.213, Florida Statutes.

(5) In the event that the agreement between the not-for-profit corporation and the State Board of Education is terminated for any reason, the State Board of Education shall assume governance and operation of the facilities.

(6) The institute shall be administered by a chief executive officer who shall be appointed by and serve at the pleasure of the board of directors of the not-for-profit corporation and who shall have the following powers and duties, subject to the approval of the board of directors:

(a) The chief executive officer shall establish programs that fulfill the mission of the institute in research, education, treatment, prevention, and early detection of Alzheimer's disease; however, the chief executive officer may not establish academic programs for which academic credit is awarded and which terminate in the conferring of a degree without prior approval of the State Board of Education.

(b) The chief executive officer shall have control over the budget and the moneys appropriated or donated to the institute from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute. However, professional income generated by university faculty from practice activities at the institute shall be shared between the institute and the university as determined by the chief executive officer and the appropriate university dean or vice president.

(c) The chief executive officer shall appoint members to carry out the research, patient care, and educational activities of the institute and determine compensation, benefits, and terms of service. Members of the institute shall be eligible to hold concurrent appointments at affiliated academic institutions. University faculty shall be eligible to hold concurrent appointments at the institute.

(d) The chief executive officer shall have control over the use and assignment of space and equipment within the facilities.

(e) The chief executive officer shall have the power to create the administrative structure necessary to carry out the mission of the institute.

(f) The chief executive officer shall have a reporting relationship to the Commissioner of Education.

(g) The chief executive officer shall provide a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the State Board of Education.

(7) The board of directors of the not-for-profit corporation shall create a council of scientific advisers to the chief executive officer comprised of leading researchers, physicians, and scientists. The council shall review programs and recommend research priorities and initiatives to maximize the state's investment in the institute. The members of the council shall be appointed by the board of directors of the not-for-profit corporation, except for five members who shall be appointed by the State Board of Education. Each member of the council shall be appointed to serve a 2-year term and may be reappointed to the council.

(8) In carrying out the provisions of this section, the not-for-profit corporation and its subsidiaries are not agencies within the meaning of section 20.03(11), Florida Statutes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 45, between lines 19 and 20, insert: creating the Florida Alzheimer's Center and Research Institute; requiring facilities to be provided at the University of South Florida; creating a not-for-profit corporation as an instrumentality of the state; authorizing receipt of moneys, a board of directors, and a chief executive officer; requiring certain accounting practices; providing contingency plans for continuation of governance in certain situations; providing for appointment of members;

Senator Pruitt moved the following amendment which was adopted:

Amendment 20 (945162)(with title amendment)—On page 654, between lines 10 and 11, insert:

Section 337. *Learning Gateway.—*

(1) PROGRAM GOALS.—The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:

(a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.

(b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers.

(c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.

(d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.

(e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.

(f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.

(b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.

(c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in section 338 of this act through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.

(d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Florida Partnership for School Readiness, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

(f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect. Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chairman of the steering committee.

(g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under section 112.061, Florida Statutes.

(3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

(a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in section 338 of this act. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

(b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.

(c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.

(d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.

(e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.

(f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.

(g) Addressing system components delineated in section 338 of this act, each demonstration project proposal must include, at a minimum:

1. Protocols for requiring and receiving parental consent for Learning Gateway services.

2. A method for establishing communication with parents and coordination and planning processes within the community.

3. Action steps for making appropriate linkages to existing services within the community.

4. Procedures to determine gaps in services and identify appropriate providers.

5. A lead agency to serve as the system access point, or gateway.

(h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

(i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

Section 338. *Components of the Learning Gateway.—*

(1) The Learning Gateway system consists of the following components:

(a) Community education strategies and family-oriented access.—

1. Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems:

a. Conducting intake with families.

b. Conducting appropriate screening or referral for such services.

c. Conducting needs/strengths-based family assessment.

d. Developing family resource plans.

e. Making referrals for needed services and assisting families in the application process.

f. Providing service coordination as needed by families.

g. Assisting families in establishing a medical home.

h. Conducting case management and transition planning as necessary.

i. Monitoring performance of service providers against appropriate standards.

2. The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

3. In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demonstration projects in developing brochures and other materials to be distributed to parents of newborns.

4. In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based internet web site, as well as opportunities such as those presented by parent visits to physicians for well-child check-ups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

a. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public

and private preschool programs, childcare providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards for kindergarten adopted by the School Readiness Partnership Board.

b. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(b) Screening and developmental monitoring.—

1. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

2. Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

3. Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in accordance with the American Academy of Pediatrics Periodicity Schedule.

4. Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.

5. The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.

6. Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services. After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.

7. In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs. Intervention programs for children, parents, and caregivers include those administered or funded by the:

a. Agency for Health Care Administration;

b. Department of Children and Family Services;

c. Department of Corrections and other criminal justice programs;

d. Department of Education;

e. Department of Health; and

f. Department of Juvenile Justice.

8. When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.

9. The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.

10. Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.

(c) Early education, services and supports.—

1. The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by the steering committee and consistent with effective and proven strategies. The specific services and supports may include:

a. High-quality early education and care programs.

b. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions.

c. Speech and language therapy that is age-appropriate.

d. Parent education and training.

e. Comprehensive medical screening and referral with biomedical interventions as necessary.

f. Referral as needed for family therapy, other mental health services, and treatment programs.

g. Family support services as necessary.

h. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3.

i. Referral for Part B or Part C services as required.

j. Expanded access to community-based services for parents.

k. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

2. Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective sup-

ports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

3. The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Florida Partnership for School Readiness, shall identify the elements of an effective research-based curriculum for early care and education programs.

4. The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.

5. The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.

6. Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the demonstration projects in securing state and federal waivers as appropriate.

Section 339. *Accountability.—*

(1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.

(2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.

(3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

(4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:

(a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;

(b) Improve early identification of those who are at risk for learning problems and learning disabilities;

(c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;

(d) Improve and coordinate screening for children from birth through age 9;

(e) Improve and coordinate services for children from birth through age 9;

(f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;

(g) Provide appropriate support to families;

(h) Share best practices with caregivers and referral sources;

(i) Address resource needs of the assessment and intervention system; and

(j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

Section 340. *The Legislature shall appropriate a sum of money to fund the demonstration programs and shall authorize selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 45, line 19, after the semicolon (;) insert: authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding;

Senator Cowin moved the following amendment which failed:

Amendment 21 (112080)—On page 80, line 31, delete "*must*" and insert: *may*

The vote was:

Yeas—8

Mr. President	Crist	Sullivan
Campbell	Garcia	Villalobos
Cowin	Sanderson	

Nays—19

Brown-Waite	Klein	Saunders
Carlton	Latvala	Silver
Diaz de la Portilla	Laurent	Smith
Dyer	Miller	Wasserman Schultz
Futch	Mitchell	Webster
Holzendorf	Posey	
King	Pruitt	

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SB 1564** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—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

Nays—None

On motion by Senator Miller, by unanimous consent—

CS for SB 1560—A bill to be entitled An act relating to education; redesignating the title of ch. 239, F.S.; reenacting and amending s. 239.101, F.S.; revising legislative intent; reenacting and amending s. 239.105, F.S.; defining terms; conforming provisions; reenacting and amending s. 239.113, F.S.; revising provisions governing the registration of adult students; reenacting and amending s. 239.115, F.S.; revising provisions governing funding of adult and technical education programs; reenacting and amending s. 239.116, F.S.; revising provisions governing cost accounting and reporting; reenacting and amending s. 239.117, F.S.; revising provisions governing postsecondary student fees; repealing provisions related to fee exemptions and waivers; providing a limit upon the proportion of fee revenue which may be waived; extending a deadline for fee schedules to be submitted to the State Board of Education; authorizing fees for certain courses to vary by course and by section; authorizing the use of certain fee revenues to provide child care; authorizing a single account for revenue produced by the financial aid fee, capital improvement fee, technology fee, and activity and service fee; establishing the amount that may be charged for the fee; regulating collection and use of the fee revenue; establishing a limit upon the amount of fee revenue that may be bonded; deleting redundant provisions for the fee revenue collected for financial aid, capital improvement, technology, and activity and services; eliminating an obsolete reference to a penalty; abolishing a restriction upon programs and courses that may generate a technology fee; repealing s. 239.121, F.S., relating to occupational specialists; reenacting and amending s. 239.125, F.S., relating to computer-assisted student advising; repealing s. 239.201, F.S., relating to career education instruction; reenacting and amending s. 239.205, F.S.; revising provisions governing the adoption of rules relating to career education programs; requiring development of certain program standards and industry benchmarks; defining terms; reenacting and amending s. 239.209, F.S.; revising provisions governing the management and information system; eliminating obsolete provisions; reenacting and amending s. 239.213, F.S.; revising provisions governing vocational-preparatory instruction; eliminating a testing requirement for certain students; repealing s. 239.221, F.S., relating to eye-protection devices; repealing s. 239.225, F.S., relating to the vocational improvement program; repealing s. 239.229, F.S., relating to vocational standards; reenacting and amending s. 239.233, F.S., simplifying reporting requirements; reenacting and amending s. 239.241, F.S.; revising provisions governing dual enrollment and early admission; reenacting and amending s. 239.245, F.S.; revising provisions relating to public information concerning career and technical education programs; authorizing certain family literacy programs; eliminating certain requirements for a program for adults with disabilities; repealing s. 239.251, F.S., relating to the Florida Education Technology Foundation; reenacting and amending s. 239.301, F.S.; revising provisions governing adult general education; repealing s. 239.305, F.S., relating to adult literacy; repealing s. 239.309, F.S., relating to adult literacy centers; reenacting and amending s. 239.401, F.S.; authorizing community education programs to be conducted by certain educational agencies; reenacting and amending s. 239.501, F.S.; revising provisions governing the Florida Literacy Corps; abolishing certain requirements relating to college credit for participating in literacy tutorial services; eliminating obsolete provisions; repealing s. 239.505, F.S., relating to the Florida Constructive Youth Program; reenacting and amending s. 239.513, F.S.; revising provisions governing workforce literacy programs; eliminating a restriction; reenacting and amending s. 239.514, F.S.; creating the Capitalization Incentive Grant Program; authorizing certain grants moneys for upgrading programs; requiring the Department of Education, rather than the Postsecondary Education Planning commission, to make certain selections; reenacting and amending s. 239.5141, F.S.; prescribing duties of the Department of Education with respect to adult and technical education; repealing obsolete provisions relating to certain management information; conforming provisions; providing an effective date.

—was taken up out of order and read the second time by title.

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

Amendment 1 (310790)—On page 40, between lines 5 and 6, insert:

(d) A student who has passed a licensure examination at the national, state, or industry level is exempt from this section.

Senator Pruitt moved the following amendment which was adopted:

Amendment 2 (693958)(with title amendment)—On page 61, between lines 5 and 6, insert:

Section 30. *Learning Gateway.—*

(1) PROGRAM GOALS.—The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:

(a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.

(b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers.

(c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.

(d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.

(e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.

(f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.

(b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the

implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.

(c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in section 31of this act through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.

(d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Florida Partnership for School Readiness, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

(f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect. Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chairman of the steering committee.

(g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under section 112.061, Florida Statutes.

(3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

(a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in section 31 of this act. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

(b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.

(c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.

(d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.

(e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.

(f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.

(g) Addressing system components delineated in section 31 of this act, each demonstration project proposal must include, at a minimum:

1. Protocols for requiring and receiving parental consent for Learning Gateway services.

2. A method for establishing communication with parents and coordination and planning processes within the community.

3. Action steps for making appropriate linkages to existing services within the community.

4. Procedures to determine gaps in services and identify appropriate providers.

5. A lead agency to serve as the system access point, or gateway.

(h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

(i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

Section 31. *Components of the Learning Gateway.—*

(1) The Learning Gateway system consists of the following components:

(a) Community education strategies and family-oriented access.—

1. Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems:

a. Conducting intake with families.

b. Conducting appropriate screening or referral for such services.

c. Conducting needs/strengths-based family assessment.

d. Developing family resource plans.

e. Making referrals for needed services and assisting families in the application process.

f. Providing service coordination as needed by families.

g. Assisting families in establishing a medical home.

h. Conducting case management and transition planning as necessary.

i. Monitoring performance of service providers against appropriate standards.

2. The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

3. In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demonstration projects in developing brochures and other materials to be distributed to parents of newborns.

4. In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based internet web site, as well as opportunities such as those presented by parent visits to physicians for well-child check-ups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

a. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, childcare providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards for kindergarten adopted by the School Readiness Partnership Board.

b. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(b) Screening and developmental monitoring.—

1. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

2. Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

3. Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in accordance with the American Academy of Pediatrics Periodicity Schedule.

4. Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.

5. The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.

6. Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services. After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.

7. In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs. Intervention programs for children, parents, and caregivers include those administered or funded by the:

a. Agency for Health Care Administration;

b. Department of Children and Family Services;

c. Department of Corrections and other criminal justice programs;

d. Department of Education;

e. Department of Health; and

f. Department of Juvenile Justice.

8. When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.

9. The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.

10. Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.

(c) Early education, services and supports.—

1. The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing

services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by the steering committee and consistent with effective and proven strategies. The specific services and supports may include:

a. High-quality early education and care programs.

b. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions.

c. Speech and language therapy that is age-appropriate.

d. Parent education and training.

e. Comprehensive medical screening and referral with biomedical interventions as necessary.

f. Referral as needed for family therapy, other mental health services, and treatment programs.

g. Family support services as necessary.

h. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3.

i. Referral for Part B or Part C services as required.

j. Expanded access to community-based services for parents.

k. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

2. Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

3. The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Florida Partnership for School Readiness, shall identify the elements of an effective research-based curriculum for early care and education programs.

4. The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.

5. The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.

6. Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the demonstration projects in securing state and federal waivers as appropriate.

Section 32. *Accountability.—*

(1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.

(2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.

(3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

(4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:

(a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;

(b) Improve early identification of those who are at risk for learning problems and learning disabilities;

(c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;

(d) Improve and coordinate screening for children from birth through age 9;

(e) Improve and coordinate services for children from birth through age 9;

(f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;

(g) Provide appropriate support to families;

(h) Share best practices with caregivers and referral sources;

(i) Address resource needs of the assessment and intervention system; and

(j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

Section 33. *The Legislature shall appropriate a sum of money to fund the demonstration programs and shall authorize selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 9, after the second semicolon (;) insert: authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding;

Pursuant to Rule 4.19, **CS for SB 1560** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller, by unanimous consent—

SB 1984—A bill to be entitled An act relating to trust funds; creating s. 246.143, F.S.; creating the Institutional Assessment Trust Fund within the Department of Education; providing for the trust fund to be used for the operations of the Commission for Independent Education; providing for sources of funds; providing for an annual carryforward of funds; authorizing the commission to establish a contingency fund and a Student Protection Fund within the Institutional Assessment Trust Fund; providing for sources of funds; providing for funds in the Student Protection Fund to be used to assist students in completing their education under certain circumstances; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was taken up out of order and read the second time by title.

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

Amendment 1 (064716)—On page 4, line 12, delete "____" and insert: 2022

Pursuant to Rule 4.19, **SB 1984** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by unanimous consent—

CS for SB 2022—A bill to be entitled An act relating to independent postsecondary education; reenacting and amending s. 246.011, F.S.; eliminating references to nonpublic colleges in provisions stating legislative findings and intent; conforming provisions to changes made by the act; eliminating legislative intent with respect to a requirement for dual licensure; reenacting and amending s. 246.013, F.S.; restricting participation in the statewide course numbering system to institutions that provide resident instruction; conforming provisions to changes made by the act; reenacting and amending s. 246.021, F.S.; providing definitions; reenacting and amending s. 246.031, F.S.; creating the Commission for Independent Education within the Department of Education; providing for administration of the commission; providing for members to be appointed by the Governor; providing for terms of office, meetings, and accountability; reenacting and amending s. 246.041, F.S.; providing for powers and duties of the commission; providing rulemaking authority; authorizing the commission to expend funds; requiring certain reports and recordkeeping; authorizing the appointment of committees; providing additional duties of the commission with respect to administration and offices; repealing ss. 246.051, 246.061, 246.071, F.S., relating to expenditures and rulemaking authority; reenacting and amending s. 246.081, F.S.; providing for licensure of institutions; establishing standards; requiring licensure to be based on the institution's highest educational offering; creating stages of licensure as approved-applicant status, provisional license, and annual license; restricting programs to those authorized in an institution's license; prohibiting the transfer of a license; prohibiting certain activities by nonlicensed institutions; requiring standards for the approval of agents; providing requirements for students of foreign medical schools; specifying that a license is not an accreditation; requiring antihazing policies; reenacting and amending s. 246.084, F.S.; providing for licensure by means of accreditation; establishing requirements; authorizing continuation of an exemption until a license is issued; providing for validity of a license; requiring compliance with certain rules governing consumer practices; providing rulemaking authority; reenacting and amending s. 246.085, F.S.; authorizing certain institutions to be excluded from the jurisdiction of the commission; providing for verification of such an institution's status; authorizing certain statements to verify status; repealing s. 246.087, F.S., relating to licensing requirements; reenacting and amending s. 246.091, F.S.; establishing license periods and renewal requirements; repealing s. 246.093, F.S., relating to permission to operate an institution; reenacting and amending s. 246.095, F.S.; requiring that the commission adopt rules governing fair consumer practices by institutions; authorizing penalties; reenacting and amending s. 246.101, F.S.; conforming provisions relating to fees to changes made by the act; providing for proper accounting of fee revenues; creating s. 246.103, F.S.; requiring certain procedural activities related to institutions that cease operations; authorizing certain civil penalties and criminal investigations; requiring student records to become state property under certain conditions; reenacting and amending s. 246.111, F.S.; providing for actions against licensees and other penalties; authorizing the commission to conduct certain investigations; providing for injunctive relief; authorizing cease and desist orders under certain circumstances; authorizing investigations to determine probable cause; requiring the commission to adopt rules for granting review of certain orders; providing for appeals; reenacting and amending s. 246.121, F.S.; restricting the use of the terms "college" and "university" to certain entities; creating s. 246.147, F.S.; authorizing the commission to require certain continuing education and training programs; repealing ss. 246.131, 246.141, 246.151, 246.201, 246.203, 246.205, 246.207, 246.211, 246.213, 246.215, 246.216, 246.217, 246.219, 246.220, 246.222, 246.2235, 246.225, 246.226, 246.2265, 246.227, 246.228, 246.229, 246.231, 246.232, 246.31, 246.50, F.S.; relating to injunctive relief and penalties, provisions establishing and governing the State Board of Nonpublic Career Education, the Institutional Assessment Trust Fund, and the Certified Teacher-Aide Welfare Transition Program; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Villalobos moved the following amendments which were adopted:

Amendment 1 (261320)(with title amendment)—On page 27, between lines 3 and 4, insert:

(14) A nonpublic college shall apply for and obtain approval to conduct any diploma program as defined in s. 246.021. Colleges under the jurisdiction of the Commission for Independent Education shall apply to the commission. Colleges that are not under the jurisdiction of the commission shall apply to the Department of Education.

And the title is amended as follows:

On page 2, line 24, after the semicolon (;) insert: requiring approval for certain diploma programs;

Amendment 2 (554020)(with title amendment)—On page 31, between lines 21 and 22, insert:

(7) If an independent college or university that is under the jurisdiction of the Department of Education wishes to offer a postsecondary technical certificate or diploma program, or wishes to offer a program that is beyond the scope of its accreditation, the Department of Education may contract with the Commission for Independent Education to review the program. The commission shall forward its recommendation to the department for final action. The department shall assess the institution seeking such services the cost of providing the review and shall deposit the revenue collected for the review in the Institutional Assessment Trust Fund.

And the title is amended as follows:

On page 2, line 24, after the semicolon (;) insert: providing a procedure for a review of certain programs;

Senator Pruitt moved the following amendment which was adopted:

Amendment 3 (103530)(with title amendment)—On page 44, between lines 7 and 8, insert:

Section 19. *Learning Gateway.—*

(1) PROGRAM GOALS.—The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:

(a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.

(b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers.

(c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.

(d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.

(e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.

(f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.

(b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.

(c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in section 20 of this act through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.

(d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Florida Partnership for School Readiness, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

(f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect. Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chairman of the steering committee.

(g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under section 112.061, Florida Statutes.

(3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

(a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in section 20 of this act. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

(b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.

(c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.

(d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.

(e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.

(f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.

(g) Addressing system components delineated in section 20 of this act, each demonstration project proposal must include, at a minimum:

1. Protocols for requiring and receiving parental consent for Learning Gateway services.

2. A method for establishing communication with parents and coordination and planning processes within the community.

3. Action steps for making appropriate linkages to existing services within the community.

4. Procedures to determine gaps in services and identify appropriate providers.

5. A lead agency to serve as the system access point, or gateway.

(h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

(i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

Section 20. *Components of the Learning Gateway.—*

(1) The Learning Gateway system consists of the following components:

(a) Community education strategies and family-oriented access.—

1. Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems:

a. Conducting intake with families.

b. Conducting appropriate screening or referral for such services.

c. Conducting needs/strengths-based family assessment.

d. Developing family resource plans.

e. Making referrals for needed services and assisting families in the application process.

f. Providing service coordination as needed by families.

g. Assisting families in establishing a medical home.

h. Conducting case management and transition planning as necessary.

i. Monitoring performance of service providers against appropriate standards.

2. The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

3. In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demonstration projects in developing brochures and other materials to be distributed to parents of newborns.

4. In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based internet web site, as well as opportunities such as those presented by parent visits to physicians for well-child check-ups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

a. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, childcare providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards for kindergarten adopted by the School Readiness Partnership Board.

b. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(b) Screening and developmental monitoring.—

1. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

2. Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

3. Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in accordance with the American Academy of Pediatrics Periodicity Schedule.

4. Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.

5. The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.

6. Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services.

After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.

7. In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs. Intervention programs for children, parents, and caregivers include those administered or funded by the:

a. Agency for Health Care Administration;

b. Department of Children and Family Services;

c. Department of Corrections and other criminal justice programs;

d. Department of Education;

e. Department of Health; and

f. Department of Juvenile Justice.

8. When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.

9. The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.

10. Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.

(c) Early education, services and supports.—

1. The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by the steering committee and consistent with effective and proven strategies. The specific services and supports may include:

a. High-quality early education and care programs.

b. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions.

c. Speech and language therapy that is age-appropriate.

d. Parent education and training.

e. Comprehensive medical screening and referral with biomedical interventions as necessary.

f. Referral as needed for family therapy, other mental health services, and treatment programs.

g. Family support services as necessary.

h. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3.

i. Referral for Part B or Part C services as required.

j. Expanded access to community-based services for parents.

k. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

2. Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

3. The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Florida Partnership for School Readiness, shall identify the elements of an effective research-based curriculum for early care and education programs.

4. The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.

5. The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.

6. Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the demonstration projects in securing state and federal waivers as appropriate.

Section 21. *Accountability.—*

(1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.

(2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.

(3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

(4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:

(a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;

(b) Improve early identification of those who are at risk for learning problems and learning disabilities;

(c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;

(d) Improve and coordinate screening for children from birth through age 9;

(e) Improve and coordinate services for children from birth through age 9;

(f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;

(g) Provide appropriate support to families;

(h) Share best practices with caregivers and referral sources;

(i) Address resource needs of the assessment and intervention system; and

(j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

Section 22. *The Legislature shall appropriate a sum of money to fund the demonstration programs and shall authorize selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 31, after the semicolon (;) insert: authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding;

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

Amendment 4 (220678)—On page 40, lines 9 and 12, after "*diplomas*" insert: *or degrees*

Pursuant to Rule 4.19, **CS for SB 2022** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller, by unanimous consent—

SB 1540—A bill to be entitled An act relating to reorganization within the Department of Education; reenacting and amending s. 20.15, F.S., which creates the Department of Education; providing for the head of the department and for its executive director; prescribing powers and duties of the State Board of Education; prescribing powers and duties of the Commissioner of Education; renaming the Divisions of Public Schools and Universities, creating the Division of Vocational Rehabilitation, and abolishing the Divisions of Workforce Development, Professional Educators, Administration, Financial Services, Support Services, and Technology; providing for appointment of division directors, councils, committees, and boards; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (725572)(with title amendment)—On page 4, between lines 29 and 30, insert:

Section 2. *Learning Gateway.—*

(1) PROGRAM GOALS.—The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:

(a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.

(b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers.

(c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.

(d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.

(e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.

(f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.

(b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.

(c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in section 3 of this act through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.

(d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Florida Partnership for School Readiness, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

(f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect. Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chairman of the steering committee.

(g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under section 112.061, Florida Statutes.

(3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

(a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in section 3 of this act. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

(b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.

(c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.

(d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.

(e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.

(f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.

(g) Addressing system components delineated in section 3 of this act, each demonstration project proposal must include, at a minimum:

1. Protocols for requiring and receiving parental consent for Learning Gateway services.

2. A method for establishing communication with parents and coordination and planning processes within the community.

3. Action steps for making appropriate linkages to existing services within the community.

4. Procedures to determine gaps in services and identify appropriate providers.

5. A lead agency to serve as the system access point, or gateway.

(h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

(i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

Section 3. *Components of the Learning Gateway.—*

(1) The Learning Gateway system consists of the following components:

(a) Community education strategies and family-oriented access.—

1. Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems:

a. Conducting intake with families.

b. Conducting appropriate screening or referral for such services.

c. Conducting needs/strengths-based family assessment.

d. Developing family resource plans.

e. Making referrals for needed services and assisting families in the application process.

f. Providing service coordination as needed by families.

g. Assisting families in establishing a medical home.

h. Conducting case management and transition planning as necessary.

i. Monitoring performance of service providers against appropriate standards.

2. The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

3. In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demonstration projects in developing brochures and other materials to be distributed to parents of newborns.

4. In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based internet web site, as well as opportunities such as those presented by parent visits to physicians for well-child check-ups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

a. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, childcare providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards for kindergarten adopted by the School Readiness Partnership Board.

b. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(b) Screening and developmental monitoring.—

1. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

2. Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

3. Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in accordance with the American Academy of Pediatrics Periodicity Schedule.

4. Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.

5. The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.

6. Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services. After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.

7. In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs. Intervention programs for children, parents, and caregivers include those administered or funded by the:

a. Agency for Health Care Administration;

b. Department of Children and Family Services;

c. Department of Corrections and other criminal justice programs;

d. Department of Education;

e. Department of Health; and

f. Department of Juvenile Justice.

8. When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.

9. The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.

10. Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.

(c) Early education, services and supports.—

1. The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by

the steering committee and consistent with effective and proven strategies. The specific services and supports may include:

a. High-quality early education and care programs.

b. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions.

c. Speech and language therapy that is age-appropriate.

d. Parent education and training.

e. Comprehensive medical screening and referral with biomedical interventions as necessary.

f. Referral as needed for family therapy, other mental health services, and treatment programs.

g. Family support services as necessary.

h. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3.

i. Referral for Part B or Part C services as required.

j. Expanded access to community-based services for parents.

k. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

2. Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

3. The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Florida Partnership for School Readiness, shall identify the elements of an effective research-based curriculum for early care and education programs.

4. The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.

5. The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.

6. Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the demonstration projects in securing state and federal waivers as appropriate.

Section 4. *Accountability.—*

(1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.

(2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.

(3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

(4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:

(a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;

(b) Improve early identification of those who are at risk for learning problems and learning disabilities;

(c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;

(d) Improve and coordinate screening for children from birth through age 9;

(e) Improve and coordinate services for children from birth through age 9;

(f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;

(g) Provide appropriate support to families;

(h) Share best practices with caregivers and referral sources;

(i) Address resource needs of the assessment and intervention system; and

(j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

Section 5. *The Legislature shall appropriate a sum of money to fund the demonstration programs and shall authorize selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding;

Pursuant to Rule 4.19, **SB 1540** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller, by unanimous consent—

CS for SB 1590—A bill to be entitled An act relating to education; reenacting and amending s. 230.64, F.S.; eliminating obsolete references to "area" with respect to technical centers operated by school districts; reenacting and amending s. 241.002, Florida Statutes, changing the term "distance learning" to "distance education"; eliminating obsolete references to the State Board of Community Colleges and the Board of Regents; requiring certain allocations to the Division of Community Colleges and the Division of Colleges and Universities; reenacting and amending ss. 241.003, 241.004, F.S.; conforming terms to changes made by the act; reenacting s. 244.01, F.S.; revising provisions governing state policy for regional education; reenacting s. 244.02, F.S.; revising provisions governing the southern regional compact; repealing s. 244.03, F.S., relating to distribution among certain states of copies of a 1948 law; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (875582)(with title amendment)—On page 15, between lines 19 and 20, insert:

Section 7. *Learning Gateway.—*

(1) PROGRAM GOALS.—The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:

(a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.

(b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers.

(c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.

(d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.

(e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.

(f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.

(b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.

(c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in section 8 of this act through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.

(d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Florida Partnership for School Readiness, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

(f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect. Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chairman of the steering committee.

(g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under section 112.061, Florida Statutes.

(3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

(a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in section 8 of this act. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

(b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.

(c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.

(d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.

(e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.

(f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.

(g) Addressing system components delineated in section 8 of this act, each demonstration project proposal must include, at a minimum:

1. Protocols for requiring and receiving parental consent for Learning Gateway services.

2. A method for establishing communication with parents and coordination and planning processes within the community.

3. Action steps for making appropriate linkages to existing services within the community.

4. Procedures to determine gaps in services and identify appropriate providers.

5. A lead agency to serve as the system access point, or gateway.

(h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

(i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

Section 8. *Components of the Learning Gateway.—*

(1) The Learning Gateway system consists of the following components:

(a) Community education strategies and family-oriented access.—

1. Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems:

a. Conducting intake with families.

b. Conducting appropriate screening or referral for such services.

c. Conducting needs/strengths-based family assessment.

d. Developing family resource plans.

e. Making referrals for needed services and assisting families in the application process.

f. Providing service coordination as needed by families.

g. Assisting families in establishing a medical home.

h. Conducting case management and transition planning as necessary.

i. Monitoring performance of service providers against appropriate standards.

2. The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

3. In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demonstration projects in developing brochures and other materials to be distributed to parents of newborns.

4. In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based internet web site, as well as opportunities such as those presented by parent visits to physicians for well-child check-ups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

a. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, childcare providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards for kindergarten adopted by the School Readiness Partnership Board.

b. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(b) Screening and developmental monitoring.—

1. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate

recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

2. Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

3. Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in accordance with the American Academy of Pediatrics Periodicity Schedule.

4. Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.

5. The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.

6. Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services. After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.

7. In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs. Intervention programs for children, parents, and caregivers include those administered or funded by the:

a. Agency for Health Care Administration;

b. Department of Children and Family Services;

c. Department of Corrections and other criminal justice programs;

d. Department of Education;

e. Department of Health; and

f. Department of Juvenile Justice.

8. When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.

9. The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.

10. Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.

(c) Early education, services and supports.—

1. The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by the steering committee and consistent with effective and proven strategies. The specific services and supports may include:

a. High-quality early education and care programs.

b. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions.

c. Speech and language therapy that is age-appropriate.

d. Parent education and training.

e. Comprehensive medical screening and referral with biomedical interventions as necessary.

f. Referral as needed for family therapy, other mental health services, and treatment programs.

g. Family support services as necessary.

h. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3.

i. Referral for Part B or Part C services as required.

j. Expanded access to community-based services for parents.

k. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

2. Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

3. The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Florida Partnership for School Readiness, shall identify the elements of an effective research-based curriculum for early care and education programs.

4. The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.

5. The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.

6. Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the demonstration projects in securing state and federal waivers as appropriate.

Section 9. *Accountability.—*

(1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.

(2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.

(3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

(4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:

(a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;

(b) Improve early identification of those who are at risk for learning problems and learning disabilities;

(c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;

(d) Improve and coordinate screening for children from birth through age 9;

(e) Improve and coordinate services for children from birth through age 9;

(f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;

(g) Provide appropriate support to families;

(h) Share best practices with caregivers and referral sources;

(i) Address resource needs of the assessment and intervention system; and

(j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

Section 10. *The Legislature shall appropriate a sum of money to fund the demonstration programs and shall authorize selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding;

Pursuant to Rule 4.19, **CS for SB 1590** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by unanimous consent—

CS for CS for SB 1586—A bill to be entitled An act relating to education governance; amending s. 39.0015, F.S.; authorizing the State Board of Education to adopt rules relating to child abuse prevention training; amending s. 112.19, F.S.; providing for the State Board of Education to adopt rules and procedures relating to educational benefits provisions for officers killed in the line of duty; amending s. 112.191, F.S.; providing for the State Board of Education to adopt rules and procedures relating to educational benefits provisions for firefighters killed in the line of duty; amending s. 220.187, F.S., relating to corporate tax credit contributions; providing for the State Board of Education to adopt rules; repealing s. 229.001, F.S., which provides for a short title; amending s. 229.002, F.S., relating to the policy and guiding principles for education; removing references to the changes in education governance; establishing legislative policy for decentralized authority to the schools, community colleges, universities, and other institutions; repealing s. 229.003(1),(2), (3), (4), F.S., relating to education governance reorganization; amending s. 229.0031, F.S.; replacing references to the Florida Board of Education with references to the State Board of Education; repealing s. 229.004, F.S., relating to the Florida Board of Education, Commissioner of Education and Secretary of Education; repealing s. 229.005, F.S., relating to governance officers and others; repealing s. 229.006, F.S., relating to the Education Governance Reorganization Transition Task Force; repealing s. 229.0061, F.S., relating to guidelines for implementing Florida's K-20 education system; amending s. 229.007, F.S.; replacing references to the Florida Board of Education with the State Board of Education; eliminating references to the Chancellors; repealing s. 229.0072, F.S., relating to the education reorganization implementation process; repealing s. 229.0073, F.S., relating to the reorganization of the Department of Education; amending s. 229.011, F.S.; providing that public education is a function of the state; reenacting and amending s. 229.012, F.S.; deleting references to the composition and organization of the elected State Board of Education; establishing the composition and organization of the appointed board; reenacting and amending s. 229.053, F.S.; providing changes to the powers and duties of the State Board of Education; providing for the removal of a member of the State Board of Education for cause; providing additional penalties for violations of s. 286.011, F.S.; providing for the appointment of a new member; repealing s. 229.133, F.S., relating to rulemaking by the State Board of Education for career education programs; reenacting and amending s. 229.512, F.S.; revising the powers and duties of the Commissioner of Education; eliminating certain duties; providing responsibilities for community college, college, and university boards of trustees; repealing s. 229.513, F.S., relating to the Commissioner of Education's review of rules and statutes for school district facilities and related

matters; repealing s. 229.515, F.S., relating to rulemaking authority to implement certain provisions of the school code; creating s. 229.516, F.S.; providing for additional duties for the Commissioner; reenacting and amending s. 229.551, F.S., relating to educational management; providing references to the K-20 education system and colleges and state universities; eliminating references to the State University System and the Board of Regents and obsolete dates; providing the State Board of Education and the commissioner with specific functions; providing a technical reference for the public records exemption for tests and related documents developed by the Department of Education; changing references from the common course designation and numbering system to the statewide course numbering system; establishing the Articulation Coordinating Committee; providing for the appointment of members; providing for the adoption of rules; amending s. 229.555, F.S.; providing requirements for postsecondary institutions and boards of trustees for community colleges, colleges, and universities; providing responsibilities for the commissioner; amending s. 229.565, F.S.; eliminating references to commissioner's rules; amending s. 229.57, F.S., relating to the student assessment program; eliminating the high school competency test requirement; removing obsolete references; repealing s. 229.5701, F.S., relating to monitoring and reporting on the methodology for identifying student learning gains; amending s. 229.59, F.S.; replacing the reference to rulemaking by the Commissioner of Education with the State Board of Education; reenacting and amending s. 229.592, F.S., relating to implementation of the state system of school improvement and education accountability; revising the waiver process; providing for the State Board of Education to authorize the commissioner to waive certain board rules; removing the requirement for the commissioner to bring pending waivers to the board; revising the status of provisions for schools designated with certain performance grade categories; repealing s. 229.601, F.S., relating to the Florida Career Education Act; amending s. 229.602, F.S.; removing reference to an obsolete date; transferring and renumbering s. 229.604, F.S., relating to the transition to teaching program; transferring and renumbering s. 229.6041, F.S., relating to grants for career changing professionals; transferring and renumbering s. 229.6042, F.S., relating to training program implementation; transferring and renumbering s. 229.6043, F.S., relating to requirements for teacher preparation programs; amending s. 229.805, F.S., relating to educational television; replacing rulemaking by the Commissioner of Education with the State Board of Education; extending the Department of Education's educational television and other media services to universities; amending s. 229.8051, F.S., relating to the public broadcasting system; replacing rulemaking by the Commissioner of Education with the State Board of Education; creating s. 229.8076, F.S.; establishing the Office of Nonpublic Schools and Home Education Programs within the Department of Education; specifying the responsibilities of the office; requiring the Commissioner of Education to appoint an executive director for the office; specifying duties; amending s. 229.8333, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; reenacting s. 229.8341, F.S.; allowing regional diagnostic and learning resource centers to provide services for infants and preschool children; repealing s. 229.8343, F.S., requiring the Department of Education to develop a model rule for denying participation in sports or other extracurricular activities to certain persons who were delinquent in paying a child support obligation; amending ss. 233.015, 233.056, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; revising the reference to the Division of Public Schools and Community Education with the Division of Public Schools; amending s. 233.058, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending ss. 233.39, 236.02, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending s. 236.025, F.S.; replacing rulemaking of the Department of Education with the State Board of Education; amending s. 236.081, F.S.; replacing rulemaking by the commissioner with the State Board of Education; removing an obsolete reference; amending ss. 236.1225, 237.081, 237.211, 237.40, 316.615, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending ss. 411.224, 446.609, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; amending s. 489.125, F.S.; replacing rulemaking by the commissioner with the State Board of Education; amending ss. 937.023, 984.05, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; repealing s. 229.0074(3), F.S., relating to the Commission for Independent Education; amending s. 228.041, F.S.; revising definitions in the school code; correcting references; replacing references to rulemaking; amending s. 228.055, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; amending ss. 228.062, 228.195, 230.23, F.S.; replacing rulemaking by the Commissioner with the State Board of Education; amending s. 230.2316, F.S.; eliminating the eligibility for waivers of law by second chance schools; providing for programs to operate under rules adopted by the state board; providing general rulemaking authority for the state board; amending s. 230.23161, F.S.; providing rulemaking authority to the State Board of Education rather than the Department of Education; amending ss. 230.23166, 231.700, 232.01, F.S.; providing for the adoption of rules by the State Board of Education rather than the Commissioner of Education; amending s. 232.0315, F.S.; providing rulemaking authority to the State Board of Education rather than the Department of Education; amending ss. 232.23, 232.245, 232.25, 234.02, 234.301, F.S.; providing rulemaking authority to the State Board of Education rather than the Commissioner of Education; amending s. 229.567, F.S.; providing for school readiness uniform screening; amending s. 229.0074, F.S.; eliminating the Division of Independent Education and the appointment of members to the Commission for Independent Education; amending s. 229.58, F.S.; requiring the establishment of technical center school advisory councils; amending s. 229.8075, F.S.; requiring the Department of Education to use certain data; allowing the use of certain data; providing for rules; repealing s. 229.8052, F.S., relating to the state satellite network; repealing s. 229.008, F.S., relating to the boards of trustees of the state universities; repealing s. 229.0081, F.S., relating to the powers and duties of university boards of trustees; repealing s. 229.0082, F.S., relating to the powers and duties of university presidents; repealing s. 229.76, F.S., relating to functions of the Department of Education; eliminating the requirement for the Department of Education to be located in the Office of the Commissioner of Education and statutory duties for the department; repealing s. 229.8065, F.S., relating to expenditures for Knott Data Center and projects, contracts, and grants programs; amending s. 233.17, F.S.; conforming a statutory cross-reference; requiring the Secretary for the Florida Board of Education to make recommendations; requiring a report; creating s. 229.136, F.S.; providing for the preservation of rules of the State Board of Education, the Commissioner of Education, and the Department of Education; specifying those rules of the Department of Education and the Commissioner of Education that become rules of the State Board of Education and those rules of the elected State Board of Education that become the rules of the appointed State Board of Education; transferring rules of the State Board of Education, the Commissioner of Education, and the Department of Education to the appointed State Board of Education; providing for the preservation of validity of judicial or administrative actions; providing for the substitution of parties; creating the "Education Investment Act"; providing definitions; providing legislative intent for certain investments and enhancements; authorizing certain programs; authorizing improved curriculum; requiring improved counseling ratios in certain schools; authorizing academic preparation tools, including test preparation study skills and advanced writing programs for certain students; authorizing the development of programs through the Internet; providing for separation of open enrollment programs within schools for certain purposes; authorizing expanded student assistance programs at universities; authorizing fee waivers for students and former students of certain schools; authorizing rules of the Board of Education; authorizing state-funded test-preparation courses for certain students; requiring school districts to develop a plan for a foreign-language curriculum; requiring the Department of Education to prepare a summary of the plans; providing effective dates.

—was taken up out of order and read the second time by title.

Senator Sullivan moved the following amendments which were adopted:

Amendment 1 (811606)(with title amendment)—On page 10, line 8, delete everything after the enacting clause and insert:

Section 1. *Subsection (7) of section 3 of chapter 2000-321, Laws of Florida, is repealed.*

Section 2. This act shall take effect January 7, 2003.

And the title is amended as follows:

On page 10, line 7, delete everything before the enacting clause and insert: repealing s. 3(7), ch. 2000-321, L.O.F., relating to repeal of certain sections of the Florida Statutes; providing an effective date.

Amendment 2 (954176)(with title amendment)—On page 51, line 12, after the period (.) insert: *Accommodations that negate the validity of a statewide assessment are not allowable.*

And the title is amended as follows:

On page 4, line 10, after the semicolon (;) insert: restricting the modification of assessment procedures;

Senator Miller moved the following amendment which was adopted:

Amendment 3 (372126)(with title amendment)—On page 120, between lines 10 and 11, insert:

Section 104. *An elected district school board official may not employ or appoint a relative as defined in section 112.3135, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 4, after the semicolon (;) insert: prohibiting a district school board official from employing or appointing a relative;

Senator Pruitt moved the following amendment which was adopted:

Amendment 4 (434490)(with title amendment)—On page 120, between lines 10 and 11, insert:

Section 104. *Learning Gateway.—*

(1) PROGRAM GOALS.—The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:

(a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.

(b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers.

(c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.

(d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.

(e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.

(f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.

(b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.

(c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in section 105 of this act through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.

(d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Florida Partnership for School Readiness, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

(f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect. Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chairman of the steering committee.

(g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under section 112.061, Florida Statutes.

(3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

(a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in section 105 of this act. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

(b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.

(c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.

(d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.

(e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.

(f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.

(g) Addressing system components delineated in section 105 of this act, each demonstration project proposal must include, at a minimum:

1. Protocols for requiring and receiving parental consent for Learning Gateway services.

2. A method for establishing communication with parents and coordination and planning processes within the community.

3. Action steps for making appropriate linkages to existing services within the community.

4. Procedures to determine gaps in services and identify appropriate providers.

5. A lead agency to serve as the system access point, or gateway.

(h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

(i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

Section 105. *Components of the Learning Gateway.—*

(1) The Learning Gateway system consists of the following components:

(a) Community education strategies and family-oriented access.—

1. Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems:

a. Conducting intake with families.

b. Conducting appropriate screening or referral for such services.

c. Conducting needs/strengths-based family assessment.

d. Developing family resource plans.

e. Making referrals for needed services and assisting families in the application process.

f. Providing service coordination as needed by families.

g. Assisting families in establishing a medical home.

h. Conducting case management and transition planning as necessary.

i. Monitoring performance of service providers against appropriate standards.

2. The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

3. In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demonstration projects in developing brochures and other materials to be distributed to parents of newborns.

4. In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based internet web site, as well as opportunities such as those presented by parent visits to physicians for well-child check-ups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

a. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, childcare providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards for kindergarten adopted by the School Readiness Partnership Board.

b. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(b) Screening and developmental monitoring.—

1. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

2. Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

3. Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in

accordance with the American Academy of Pediatrics Periodicity Schedule.

4. Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.

5. The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.

6. Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services. After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.

7. In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs. Intervention programs for children, parents, and caregivers include those administered or funded by the:

a. Agency for Health Care Administration;

b. Department of Children and Family Services;

c. Department of Corrections and other criminal justice programs;

d. Department of Education;

e. Department of Health; and

f. Department of Juvenile Justice.

8. When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.

9. The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.

10. Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.

(c) Early education, services and supports.—

1. The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by the steering committee and consistent with effective and proven strategies. The specific services and supports may include:

a. High-quality early education and care programs.

b. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions.

c. Speech and language therapy that is age-appropriate.

d. Parent education and training.

e. Comprehensive medical screening and referral with biomedical interventions as necessary.

f. Referral as needed for family therapy, other mental health services, and treatment programs.

g. Family support services as necessary.

h. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3.

i. Referral for Part B or Part C services as required.

j. Expanded access to community-based services for parents.

k. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

2. Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

3. The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Florida Partnership for School Readiness, shall identify the elements of an effective research-based curriculum for early care and education programs.

4. The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.

5. The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.

6. Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible

funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the demonstration projects in securing state and federal waivers as appropriate.

Section 106. *Accountability.—*

(1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.

(2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.

(3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

(4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:

(a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;

(b) Improve early identification of those who are at risk for learning problems and learning disabilities;

(c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;

(d) Improve and coordinate screening for children from birth through age 9;

(e) Improve and coordinate services for children from birth through age 9;

(f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;

(g) Provide appropriate support to families;

(h) Share best practices with caregivers and referral sources;

(i) Address resource needs of the assessment and intervention system; and

(j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

Section 107. *The Legislature shall appropriate a sum of money to fund the demonstration programs and shall authorize selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 4, after the semicolon (;) insert: authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding;

Senator Pruitt moved the following amendment:

Amendment 5 (601318)(with title amendment)—On page 120, between lines 10 and 11, insert:

Section 104. Effective upon becoming a law, paragraph (b) of subsection (2), paragraph (b) of subsection (4), and paragraph (2) of subsection (6) of section 229.05371, Florida Statutes, are amended to read:

229.05371 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program, pursuant to this section.

(2) SCHOLARSHIP ELIGIBILITY.—The parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (4) and has notified~~, in writing,~~ the school district of the request for a scholarship at least 60 days prior to the date of the first scholarship payment. *The parental notification shall be through a communication directly to the district or through the Florida Department of Education to the district in a manner that creates a written or electronic record of the notification and the date of receipt of the notification.*

This section does not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs. For purposes of continuity of educational choice, the scholarship shall remain in force until the student returns to a public school or graduates from high school. However, at any time, the student's parent may remove the student from the private school and place the student in another private school that is eligible for the program under subsection (4) or in a public school as provided in subsection (3).

(4) PRIVATE SCHOOL ELIGIBILITY.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(b) Notify the Department of Education of its intent to participate in the program under this section ~~by May 1 of the school year preceding the school year in which it intends to participate~~. The notice must specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program.

(6) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. The maximum scholarship granted for an eligible student with disabilities shall be a calculated amount equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential.

2. In addition, a share of the guaranteed allocation for exceptional students shall be determined and added to the calculated amount. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. *Except as provided in*

subparagraph 3., the calculation shall be based on the student's grade, matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. Also, the calculated amount shall include the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided for such purposes in the General Appropriations Act.

3. Until the school district completes the matrix required by paragraph (3)(b), the calculation must be based on the matrix that assigns the student to support level I of service as it existed prior to the 2000-2001 school year. When the school district completes the matrix, the amount of the payment must be adjusted as needed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 4, after the semicolon (;) insert: amending s. 229.05371, F.S.; specifying notification requirements for parents of students receiving John M. McKay Scholarships; eliminating a date for notification by private schools; amending s. 229.05371, F.S.; providing for an alternative calculation of the matrix level for a scholarship for a limited time;

Senator Pruitt moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A (630280)—On page 1, line 19, delete "(2)" and insert: (a)

On motion by Senator Villalobos, further consideration of **CS for CS for SB 1586** with pending **Amendment 5 (601318)** as amended was deferred.

RECESS

The President declared the Senate in recess at 12:21 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:04 p.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

MOTION

On motion by Senator Lee, by two-thirds vote **CS for CS for SB 76** was placed on the Special Order Calendar.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Constantine—

CS for SB 1464—A bill to be entitled An act relating to growth management; creating s. 163.3246, F.S.; creating a Local Government Comprehensive Planning certification Program to be administered by the Department of Community Affairs; defining the purpose of the certification area to designate areas that are appropriate for urban growth within a 10-year timeframe; providing for certification criteria; specifying the contents of the certification agreement; providing evaluation criteria; authorizing the Department of Community Affairs to adopt procedural rules; providing for the revocation of certification agreements; providing for the rights of affected persons to challenge local government compliance with certification agreements; eliminating state and regional review of certain local comprehensive plan amendments within certified areas; providing exceptions; providing for the periodic review of a local government's certification by the Department of Community Affairs; requiring the submission of biennial reports to the Governor and Legislature; providing for review of the certification program by the Office of Program Policy Analysis and Government Accountability; amending s. 163.3191, F.S.; requiring local governments within coastal high-hazard areas to address certain issues in the evaluation and appraisal of their comprehensive plans; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (635660)(with title amendment)—On page 11, between lines 9 and 10, insert:

Section 3. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended, and paragraph (k) is added to that subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. *Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.*

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not

subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land. An amendment proposed pursuant to this paragraph shall be subject to the review process for small scale amendments described in paragraph (c).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 1, after the semicolon (;) insert: amending s. 163.3187, F.S.; providing for plan amendment relating to certain roadways in specified counties under certain conditions;

Pursuant to Rule 4.19, **CS for SB 1464** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SPECIAL RECOGNITION

The President recognized the following Senators who will be leaving the Senate as a result of term limitations: Senators Latvala, Rossin, Brown-Waite, Dyer, Sullivan, Burt, Jones, Holzendorf and Silver.

REMARKS

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

President McKay: Senators, we are going to take some time to recognize some members of this chamber who are leaving the Senate as a result of term limits.

SENATOR JACK LATVALA

Senator Silver: Thank you, Mr. President. Often you come across some individuals that are outstanding. The Senator from the 19th, Senator Latvala, happens to be one of those people who has demonstrated his abilities in many different ways. I do not know of anybody who is a quicker study on issues than the Senator from the 19th. You can go into his office and explain an item or a subject and he just absolutely understands it and can explain it back to you at that particular time.

The Senator from the 19th is an extraordinary individual. He happens to be a very close personal friend of mine, but I would be giving these remarks anyway. We all remember when Jack was the Majority Leader, if I might refer to him informally as Jack, as we all know him. Jack demonstrated, when he was the Majority Leader, a uniform type of behavior. He never had any ups, never had any downs. I think you all remember that situation. Just level. I guess that is the best way of describing Jack. Yes, that he had that. Some of you may not know what I'm talking about.

I remember a couple of occasions where we had to console each other. I think he probably performed a little bit better than I did, because when I got a little aggravated, I left the building, and he couldn't follow me. But when he got a little aggravated one time, he just went down to his office, so I was able to follow him down there. But I don't think you know or can give me the name of any individual who is more intense about an issue or a situation than my good friend from the 19th. If you have him on your side, you know that you are in a battle. And if you have him as an opponent, usually what you want to do is just withdraw the amendment and go on, because you don't want to have to debate him, as was illustrated this morning when I did not know about all those county things that he was talking about, and we had to find out what that was all about.

He is both an extraordinary proponent and an extraordinary opponent. You better be prepared when you get into a battle with him, because he is going to win most of the time because he is prepared and he has the facts behind him.

He is also funny, too. He has a tremendous sense of humor. Sometimes you have to dig a little bit deep to find it. But once you find that sense of humor, he is extraordinarily comical and funny. That's what makes him, I think, an outstanding individual.

He has won several awards. I am not going to go through them all right now, but I think he was the Outstanding Freshman Senator, as rated by the *Miami Herald*. That is something that we all aspire to. He has won so many other awards.

His dedication to the environment is second to none in this chamber. I would challenge anybody who knows more about the issue. His dedication to the environment is absolutely something that we all know how he feels about.

I want to just tell you that it has been my privilege to serve with the Senator from the 19th for the last 8 years. He has helped me tremendously. He has been a very good personal friend to me. We have shared many moments together. I am going to sorely miss him. I think the rest of this chamber will also.

Thank you, Mr. President.

Senator Sullivan: I would like to get something off my chest, Mr. President. Senators, the first time I ever met Jack Latvala, I was a candidate in 1990. Someone had told me about this guy who could run my campaign. I went into his office. I sat there for about 20 minutes; he kept me waiting. He walked into the office. He looked at me and he said, "I'm not doing your campaign. I don't know anything about you. I'm never doing another campaign again, so you might as well leave." Then he turned around and left. Now, there's my kind of guy.

Actually, I was talking to Jim Sebesta, and it's not well known, but Jack called up Jim Sebesta and asked to do his campaign, and he lost that campaign. Isn't that right? Jack ran Jack Eckerd's campaign. Notice I didn't say Governor Jack Eckerd. He ran the campaign of one of the mayoral candidates in our area whose name also does not grace the list of great winners in our area.

Jack was on the Pinellas County Sports Authority, and as a result of that, we have the Devil Rays, which is probably the biggest losing group

in baseball. If I remember, there was a debate out here with Charlie Bronson sitting over here. I think you lost that debate, too, Jack. He lost my first campaign, because Fred Dudley went in and said, "You are going to help this guy." I took a terrible thrashing at the hands of my opponent.

I want to tell you, Jack has been involved in politics and the political process for many, many years. I can remember the first campaign that he did, and then in the second campaign, that there was no one who was more dedicated to my winning that particular election. In my humble opinion, Jack is a fraud. Jack is a fraud because anyone that knows Jack knows that he comes at you in a full-attack dog posture. It is only by the grace of God that Jack is not on trial in California for owning an attack dog. Those of us that know Jack know that once you get past that first five minutes that there is no one with a warmer heart and no one who is more of a puppy dog.

Jack has always wanted, and Jim said the same thing, Jack has always wanted to be an officeholder. That has been a dream of his for many years. For those of you who don't remember, Jack started out running for his first political office in the House of Representatives. It was only because of Curt Kiser resigning to run as Lieutenant Governor that the seat came open. Jack ran for the Senate, and actually came in second in the primary, only to overwhelm the other candidate in the general election.

One day, John Grant, Jack and I were driving over to Orlando in John Grant's car. In a rare moment of insecurity, Jack said, "Do you think I'll make a good Senator?" Without hesitation, I turned to Jack and I said, "Jack, you will make a great Senator." I'm not right too often, but I was right that day.

This is a business, I don't understand why we do this. We do it mostly because we love it. Jack had a very thriving business, was very dedicated to Republican party politics, was doing campaigns all over the southeast, was extremely well respected in his profession, and he gave it all up to do this. That's a story that most of us have known in the time that we have been here, that people make great sacrifices to do this. But no one has enjoyed it more than Jack has. I think it is a tribute to him that he can be so generous with his time and express his great love of this process and a great love for the State of Florida, that he would give up as much as he has given up to make the opportunity to be here.

It is a shame that term limits are taking him away from us. It's taking both of us away, but it is a shame. When I say that Jack Latvala is a fraud, he is a fraud. He would never admit the sacrifice he has made. He would never admit how meaningful this has been to him. I want to tell you, there is no one who has been more effective. Jack, you have been a great friend these 13 years that I have been involved with politics. I want to tell you, I appreciate all the time that we have spent together. Thank you, very much.

Senator Campbell: When I think of one word to describe Jack Latvala, I would think he is a patient man. The first time I met Jack Latvala, he was actually on a Senate committee. He was not going to confirm me for the Florida Elections Commission. At that point in time, Tom Slade did not like me. Tom tells me that he's my buddy now, but he didn't like me. He had every Republican on that committee to say they were going to vote against me, but for the grace of having a good friend like Jim Scott and a good friend like Jack Latvala. Jack said, "Well, tell you what. We won't confirm you, but we won't reject you." It was based upon that event that I decided that I wanted to be up here with Jack as a Senator. I can remember hearing about Jack because, of course, you all know I'm a trial lawyer and you all know that tort reform had to be one of the big issues first year around. I can remember Jack coming up in my face and starting to yell at me, his face getting redder than mine. He started yelling and yelling and yelling. He got so close I could smell his breath. I said to him, "Jack, have you put your foot in your mouth?" He says, "I use Dr. Scholl's toothpaste, so I never put my foot in my mouth."

Jack has been a good friend, although he said I am a demagogue at times. I believe that Jack is probably one of the most dedicated members of the Senate. Yesterday, when we moved a bill to third reading, he got a little upset. I told him I agreed with him a little bit because he wants to maintain the integrity that this body has. I have learned over the six years I have been here to really come to respect Jack Latvala, and I'm going to miss Jack. Because it is the battle, the intense battle, whenever we have issues on the opposite sides, I look forward to keeping my mind clear. If there is anybody who knows more about anything, it's Jack. I think he can be described as a Renaissance man. He knows a little bit about everything, but he doesn't know a lot about anything. Jack, you are a great, great person, great Senator, and we will miss you.

Senator Rossin: Senators, Jack Latvala and I came in the same freshman class in 1994. That was an interesting class. One of the members is Secretary of State, another member is Commissioner of Agriculture, a third member is Secretary of Education and one left, went back home. Jack and I have been here since 1994 together. I know you all will miss him. I know you all feel badly about him leaving. I suggest you take a look at the district that he managed to draw for himself in the Senate. If you really miss him badly, just stick around for a couple of years, I think that you will find that he will be back. In all seriousness, that was an interesting class. None of us, all six of us, had served in public office before. Jack was clearly the most experienced in terms of politics and what it was all about.

There is nobody in this Senate who respects the institution, understands how hard it is for an institution like this to succeed unless it has people who care about it, care about the process, and care about the State of Florida, more than Jack Latvala. Jack, I will miss you as I leave. Thank you.

Senator Saunders: I have been on issues where I have been on Jack's side and where we have been opposed. It's much more enjoyable when we are on the same side. One thing that I have not had a chance to publicly do is to thank Jack. When I ran for the Senate in 1998, not too many people thought I could win. As a matter of fact, I won by 34 votes out of the 45,000 that were cast. Jack Latvala was one of the few who felt that, whether I won or lost, he felt that I was the right person to be up here. He spent a lot of time helping me on my campaign. I just want to thank Jack publicly for what he did for me. I would not be here had it not been for Jack Latvala and the help that he provided. There are probably some people here that wish that he had not done that. I certainly do appreciate it and want to say that Jack is a good friend. Even when you argue with him, afterwards he is always a good friend and I will certainly miss him here.

Senator Brown-Waite: Thank you very much. Very similar to Senator Saunders, when I first ran in 1992, at that time, Citizen Latvala was one of the few, the brave and the bold who came forward and supported me. After I got elected in 1992, and Senator Latvala came here in 1994, I learned very quickly that I think somewhere we were separated at birth. The reason I say that is because we both tend to be very passionate and very intense. Jack is a wonderful friend and a mentor. While some think that he drew a great Senate seat, I think he also drew a great congressional seat, and he threatens to follow me.

My staff loves it when Senator Latvala comes down, stomps into the office, barges in, and we engage in a very heated discussion. Actually, very often it is out-and-out screaming, isn't it, Senator Latvala? We have been known to scream at each other very, very loudly. Very loud, so that my staff swears that there is steam coming from underneath that closed door.

I have always respected Senator Latvala. I do not think that this body is going to be the same without him, without his passion, without his compassion, and without his ability to get things done.

Someone asked me today about a very controversial bill and they said, "Why did they get Latvala to do it?" I said,"Because it's controversial and he will bulldog it through and he will win on the issue."

Senator Latvala, I think that the majority of this body, if not every member of this body, is truly going to miss you. You are a good friend.

Senator Dyer: Senator Latvala has not offered to run my campaign or any of the other campaigns that I've had, so I'm off that list. I think he did do the direct mail against me in the last one. I'm not sure.

We are in the last three days of his career, so I can give away one of his secrets. He keeps that gruff exterior up because he has a heart of gold underneath, and there's no question in my mind about that.

Many of you remember the Senator from the 1st that preceded Senator Peaden, Senator Childers. The rumor was always that Senator Childers kept a file on each of the members of the Senate. The rumor after that

was that Senator Childers had deeded those files over to Senator Latvala or he created his own set of files. I was just wondering who he was going to deed those to, because I can guarantee you there's an awful lot of information in there.

One of my favorite Latvala stories is from a few years ago when then-Secretary Mortham was selected to run as Lieutenant Governor with Bush. Jack declared that he was going to run for Secretary of State. So when I saw that, I called the Democratic party and said, "If they call over here to see which Democrats are going to run, tell them that it's going to be me and Anne Mackenzie. We're deciding between the two of us which one is going to run against Latvala. I just want to see, I don't really want to run, but I want to see how long it takes Jack to find me and to chastise me about that." We had left, it was during session I believe, and I was driving to Okeechobee about 6:30 a.m. the next morning. I don't think the papers were even out. He somehow found me on my cell phone and said, "You're not in this race. You know I want to do this. You get out of this race."

Senator Sebesta: Thank you. I think it was March 1974, and I had made my announcement to run for Secretary of State. The phone rang one day and I said, "Hello." This voice on the other end said, "Hello." I said, "What do you want?" He said, "I want to run your campaign." I said, "Well, who are you?" He sounded like a 15-year-old child on the other end. He said, "Well, I'm Jack Latvala." And I said, "So." He said, "I want to run your campaign." Well I think I had about $50 in the campaign account at the time. He said that he'd work cheap. So we met and I hired him as my campaign manager. I will tell you folks, even though we did not win that race, Jack Latvala put me so close in that race that if we'd had any money, we would have won it. We ran that campaign on $50,000 statewide and missed by a couple percent or something.

That was the beginning of a friendship between Jack and me that continues to this day. Some of you have heard this; Jack has heard it lots of times. Our six children call him "Uncle Jack." If you come up to my office, you will see a picture of Jane and our family the day I was sworn in as Senator. Who was standing right in the middle of the picture but Jack Latvala.

This last Christmas, we had all of our family together. My family is now 26 strong. When we all got together for Christmas dinner, we invited one person to join us. It was Jack. Jack and his wife came to our Christmas family reunion. It meant an awful lot to us. I was afraid this was going to happen. To my very, best friend in the State of Florida, I love you, pal.

Senator Wasserman Schultz: I have a somewhat different perspective than my colleagues that preceded me. If I don't make him cry, I'm going to make myself cry.

I think that probably since I've been here, Senator Latvala and I have made a lot of people scratch their heads. They can't quite figure out why it is that I like him or that I listen to him. I can't quite figure out why I listen to him.

I quickly figured out that pretty much anything that Jack Latvala asked me to do in this process, legislatively, I would do. There were a number of members, the President being one of them, who had some concerns about people like me and Senator Miller and whether we would be able to adapt to the decorum and collegiality of this process in the Florida Senate. I can tell you that when I've stepped out of line, by the definition of Senator Latvala, I have been escorted to the back of the chamber and sat down on the couch on a number of occasions or I have had a visit, as many of you have, from the Senator in my office. He explained the error of my ways. Most of the time, he was right and other times I vigorously defended myself and then proceeded to do what he wanted me to do anyway. I can tell you that the only thing I can compare Jack Latvala to in terms of the impact he has had on my life is, since I've been a member of the Florida Senate, I've thought of him as nothing less than a big brother. I'm going to have a really difficult time getting through without him in the next few years. Good luck and I love you.

Senator Constantine: Can any of you imagine, there are now more than half of us who served in the House and came over to this esteemed body? What would have happened to the House eight years ago if Curt Kiser had not run for Lieutenant Governor and this man had been elected to the House? Can you imagine, not just what has happened today, but this would be his last two years? He and Representative Feeney together, working in the House together. Could you imagine what would be going on in that particular chamber at this time?

I guess we all should thank Curt Kiser for the fact that he did run for Lieutenant Governor. Also I need to thank Senator Latvala right now because I had the privilege, as many of you know, for four years to be the chairman of a council over in the House. Every bill that had Senator Latvala's name came over and was in that council. Senator Latvala used to have the most wonderful time coming into the chamber, breaking the doors down as he always did, coming right up to my desk which is about where Senator Sebesta's is now. He would start yelling at me right on the floor with every bad word you could possibly think of and then just blustered himself right out the door. Like each and every one of you said before, he has a heart of gold. He would come right back in about 10 minutes later, look down at me and smile and say, "O.K., what are we going to do now?"

It was a relationship that I think built a lot of trust and respect. I know, from my side, there was a great deal of respect and admiration. Senator Latvala now has his business office in Orlando and I am told that he talks about the district he built for himself over in Pinellas County. He insists that the one in Orange and Seminole was built for him also, I might tell you. I look forward to him, at least part time, as being potentially one of my constituents, and continuing to work with him on many, many things.

If there's one thing I would like to give to Jack after all these years, it's just a little prayer that I think that all of us have heard and one that I think Senator Latvala says quite often. It's "God, grant me patience, and I want it now." Jack, it has been a pleasure working with you. You've taught me a lot and I'll miss you.

Senator Posey: We heard initially from the other statesmen in here and I thought there ought to be a little bit of a freshman perspective.

I'd been over on the dark side for a couple of years the first time I ever laid eyes on the big guy busting through the front doors. I asked somebody, "Who in the world is that?" They said, "Do you have a dictionary?" I said, "Yeah." They said, "Go look under volatile." I looked under "volatile" and sure enough there was his picture. You know, volatile, explosive, impatient, all those things we know he really isn't.

When I got over here and had an opportunity to serve with him, first and foremost, on the Banking and Insurance Committee of which he was the chairman, I noticed a really, really fair chairman. Now serving four years over there, in the minority, and four years in the majority, we got a pretty good spread of both kinds. The thing that impressed me most about this guy was that nobody was ever more honest in their disclosure for or against an issue.

By the way, I've never heard him say a bad word. I've never heard him say one of those four-letter words. I don't know where I've been, but I've never heard it.

In the explanation of a bill, in the explanation of an amendment, in debate, he is almost overly cautious to make sure that everything is fully disclosed. In an institution where your word is supposed to be your bond, and where honesty is supposed to really mean something, I don't think I could give anybody a higher mark. The only lie I heard that he ever told, I learned about today from the Senator from the 22nd when he said he would never run another political campaign. Jack, I guess I can't give you a 100 percent but I can give you a 99.9. It's been a pleasure.

Senator Miller: When Jack used to bust through those doors in the House, he never talked to me. That's because I was seated on the back row, the first seat on the left. He just walked past me.

After being elected, we were at a delegation meeting in Pinellas County and one of my aides came to me and said that she was going to share an apartment with Jack Latvala's aide. I said, "You've got to be kidding me. Jack Latvala's aide?" I was a staunch Democrat and he was Republican. "What are you doing that for?" She said, "I was just trying to find a cheap place to stay and that's where I'm going to stay."

Those two aides brought Jack and me pretty close together. We'd talk. Jack would come to my office. He would storm in there sometimes and say some things. I would listen to him but that didn't always mean that I was in agreement with him. At least it brought a young man and a guy like Jack together. Then I looked at Jack's bio; being born in 1950, I

found out Jack was born in Oxford, Mississippi. Am I right, Jack? Being African-American, born in the 1950s, I was like what in the world is Jack talking about? Jack's from Oxford, Mississippi and I'm from Tampa and I'm African-American and he's not. But Jack and I became very close.

One of the things that I never got a chance to thank Jack for was last year, I turned 50 years old. Of all the things that have ever happened, Jack gave me, at his house, my 50th birthday party, a surprise party. I will never forget that. I would have never thought, Debbie Wasserman Schultz, that where we came from a Republican would ever give a Democrat like me who raised some you-know-what over in the House many, many times against other Republicans, would give me a birthday party for my 50th birthday at his house. He did. Jack and I have become very close.

I want to thank him for that. I want to thank him for taking me under his wing sometimes and saying, "These are the things you need to look at and these are the things you need to do." I especially want to make those comments to Jack. Thank you very much. I do appreciate it.

Senator Burt: Well, I'm not going to miss Jack Latvala. Any of you who think that you are going to miss him are wrong. He's not going to give you a chance to miss him. For all you Republicans who are running for election, he's going to be knocking on your door, looking for direct mail. For all you Democrats, watch out for your mail box because "Attack Jack" is going to be full-time back in the direct mail business. So you're not going to miss Jack. Trust me.

Jack went to Stetson University and majored in Political Science. I think he was the only Republican in the Political Science Department down there. He got involved in a Congressional race in 1974 where my dad was the campaign manager. He was with the party, ran my race in 1990 and, like Senator Sullivan, we went down the tube, but we came back.

Jack has been involved in the political process for almost 30 years. I'm sure he's going to continue to be involved and to do a great job. What we like about you Jack is your passion. Right or wrong, you are never in doubt. That's what we love about you. Good luck.

Senator Latvala: I'm not going to take very long here because I calculated that if all ten of the Senators get 45 minutes each, that's 450 minutes each; we'll be here until late this evening. Let me just say a couple of things.

First of all, you may notice I've been off the floor this morning a lot. I've been over in the House. We've had a couple of glitches that have come up today in the reapportionment process and particularly in the legislative districts. Seems that there's a groundswell in the House to change the Senate map because those folks over there have discovered that if they change the map and keep my district exactly like it is, I can come back for two more years. So I've been over there trying to convince them that they really don't want to do that. That was a joke.

There is a lot of confusion in this building. Maybe this will put an end to it. There's a lot of confusion because different books have different years listed as to when I am term-limited out. Basically, Senator Rossin and I are the first two to be purely affected by the eight-year term limits in the Senate. Normally, we'd be here for two more years except that by the luck of the draw, we both took short terms when we were elected in 1994 and, therefore, because of redistricting, everyone has to run and we get just eight years.

Eight years has been a long time for me here. It's been a very, very fun time. You know, Senator Sullivan mentioned in 1994 that a bunch of people talked me into running for the Senate, he was one of them; former Senator Grant and Senator Dudley were two of the others. I was comfortably cruising to an unopposed term in the House of Representatives and ten days before the filing deadline for "resign-to-run", the incumbent Senator for my district, Curt Kiser, decided to resign and run with Tom Gallagher on the ticket for Governor and Lieutenant Governor. After a couple of the other more senior local officials decided not to run, folks came to me and they tried to talk me into running. I said, "Why should I run; why should I give up this unopposed seat and get in this big race; why do I want to be in the Senate?" I had never really envisioned myself being a Senator. A couple of people who knew better said, "Jack, you will never be sorry that you ran for the Florida Senate instead of the House."

Well, looking back, I am living proof of someone who is not sorry that I went straight into the Florida Senate. I do not regret that for an instant. It has been a very gratifying time. It's been the most wonderful time of my life being here with each one of you.

I want you to know that I don't have a file on anybody in this room. I've got a file on a couple of other people in this building, but not on anybody in this room. I want you also to know that I'm not going to be doing direct mail against anybody in this room in the election this year as I go back to the private sector and try to make a living once again.

I think the opportunity to go from being a political operative, and the dream of most political operatives, is to run for office and be successful in office. I think the opportunity to do that and live is a wonderful opportunity. It is just a lifetime dream and I've been able to live that dream and I appreciate the friendship, support and camaraderie so much from everyone in this body. Thank you.

SENATOR TOM ROSSIN

Senator Dyer: Thank you, Mr. President. Senators, if you are creating criteria for the model Florida State Senator, I think Tom Rossin would probably fit that mold. Tom has been successful in every aspect of his life and then was willing to submit himself to public service for all the right reasons at a time in his life when he could have really just kicked back and enjoyed his life.

The Governor now refers to him as "That grumpy old man, that cranky old man." Either one fits. I like to think of him really as the ultimate statesman. He is one of those guys who has not changed with elective service. He came here in 1994. He is exactly the same man, the same person, that he was in 1994. 1994 is an interesting year for Democrats. Senator Rossin represented the entire freshman Democratic caucus that year. He was the sole Democrat elected to the Senate. How he got here is also interesting. Congressman, then Senator, Robert Wexler was charged with finding a suitable replacement for then-Representative, now Congressman, Mark Foley. It looks like all these guys, Tom, keep going on to Congress. That might be something you are looking at. He was charged with finding somebody that could win a district that had been held by a Republican.

Congressman Wexler will tell you that he went to all the business groups and all the civic groups in Palm Beach County and asked them for names. It turned out that Tom Rossin was on everyone of those lists. Robert, somehow, coerced him into running. It was a difficult race; but he won that race. He was the only Democratic State Senator to win an open seat that year. You guys on the Republican side will remember that 1994 was a pretty good year for you and not such a great year for us. He was the only State Senator, I guess, was it nationally or was it just in the southeast, just in the southeast, that won a State Senate seat. Now he got a little smarter after that. In his next election, his opponent was in jail on the night of the election, so it wasn't quite as tough, but he was successful in that one as well.

His service in the Senate has been exemplary. He has been steadfast in his representation of his community, Palm Beach County. Even just yesterday he managed to work a deal so that Palm Beach County could have three sitting state Senators, which they have been clamoring for for years. He has represented his area extremely well. He has also had the vision that some people in this process lack, to be able to look at statewide issues and statewide problems and be a statesman about that.

Now the one thing that he did and everybody in this chamber should do, he really took the advice to heart that every freshman Senator has been given. Every freshman Senator is told, "Learn the rules, learn the rules." I would have to say that Tom Rossin is our "Master of the Rules" here in the Florida Senate. The last two years he has been our Democratic Leader. Like Senator McKay, he was immediately tested under fire. I think that within the first week of taking over as the leader, he had calls from Al Gore and Cokie Roberts and just about every national celebrity that you could think of that descended on Tallahassee. As a former leader, I have great respect for the job that Tom has done. I know firsthand how difficult it can be sometimes to press caucus issues. But then to also be able to work in a bipartisan manner to push the issues that are important for the Senate and important for the state. Tom has truly been able to maintain that balance.

As much as I admire his work as a State Senator, I am far more impressed really with his personal life and his love and his relationship with his beautiful wife, Joyce. I'm so glad that you are out here with us this morning. Tom has done the service right. He did it at the time when he could bring Joyce up with him so that she could enjoy the service. She is as much a fixture here, Tom, as you are. I don't know whether they are going to miss you or they're going to miss Joyce more, quite honestly. I can tell you that I have grown to love Joyce, as well. Tom and Joyce have been married for 30 years. They are truly the original Brady Bunch. If none of you have heard the story of their courtship and their relationship, before we leave here this week, you have to have Joyce tell you about that. I will tell you that when they got together, Joyce had four children and Tom had three children. They always say they could add those numbers up and it was going to be a difficult thing, but love prevailed and they now have sixteen grandchildren. They are like teenagers when I watch them. This is something you don't know that I saw. The other night, Senators, when we were out at Dorothy Oven Park, I was one of the last to leave. I was talking with Tom and Joyce before they left. They were parked down that entrance road where you come in. They were walking away. It was a moonlit night and they started dancing together down that road. Do you remember that? They didn't think anybody saw that. It was just such a touching moment for me to see that, out of the sight of everybody else, how much you enjoy each other's company.

Tom, this Senate and state have been blessed with your service. I've been blessed with your friendship. Good luck.

Senator Mitchell: You know, I consider myself a very, very fortunate person. I believe it has been my great fortune to serve with Tom Rossin, not only in the Senate, but as the Democratic Leader in the Senate. Tom has a great understanding of this process. He has a great understanding of the Constitution and the budgetary process. I think his greatest and most admirable quality is his understanding of people and his care about people. He can discern very quickly somebody's motives, somebody's needs. He can find that "hot button." He can tell a lot about somebody in a very short period of time. He has a great deal of wisdom in dealing with people. Most importantly, he understands that the most important issue that concerns us is people.

Even as late as yesterday, as the Senator from the 14th stated about the choice of the competing values, Senator Rossin will always go to the side of the people. There is a choice between being the Senator from the 35th and being the Democratic Leader. The choice is toward the people. Taking Tom Rossin out of the Florida Senate is truly going to be one of the great tragedies of term limits. He is an outstanding leader and a true friend. He has shown great ability over these past two years, especially to work with the leadership and to be a great statesman. He has shown a great ability to advocate for his caucus and for the Democrats. He has shown a great ability to lead the Democrats, and that's not an easy task. We might not all see what goes on in private. As you may or may not know, Democrats are all over the place with our different issues and our different thoughts and our different needs. Our caucus has truly benefitted from his leadership. The Senate has truly benefitted from his leadership. I believe the people of the State of Florida have benefitted from his leadership. He has had the courage to speak his mind, to speak our mind, when other people wouldn't get up and do it. To be forthright and truthful and honest, he has a great understanding and grasp of the issues. Though he has this understanding, he doesn't quite have that same understanding and grasp of the names of the lobbyists who may bring him those issues. But he has a great understanding.

His service didn't just begin two years ago as Democratic Leader. He has been a servant for the past eight years, advocating the issues of people—protecting children from sexual offenders; protecting the victims of domestic violence; making sure that our construction rules and our schools are adequate—all of those things that distinguish him as a true champion for the people.

When Senator Rossin leaves this chamber, we are going to remember him for his commitment to the children and to the people of this state. We are going to remember him as a loving father and a loving husband. You know Senator Rossin is a great straight man. He can tell you something without any kind of expression on his face. He is very effective at doing that. There is one thing he can't hide on his face; that's when Joyce, or one of his grandchildren, comes into the room. You can truly see where his heart is.

Tom, we are going to miss you. It has been a great honor and a privilege to serve with you. I am very proud to call you my friend.

Senator Klein: Thank you. Senators, as one of two resident Senators of Palm Beach County, it truly has been an honor to serve with Senator Rossin. He got here before I did. I was over in the House and he was someone who truly taught me a lot when I joined this body. I guess we have to ask the question, I think Senator Dyer started it, "What do you do when you are a successful businessman, successful lawyer, successful cattleman?" You run in a district that Eleanor Weinstock once served in, that Mark Foley once served in, which gives you some idea, for those of you who know the two of them, as to ends of the spectrum. The recruitment of Tom Rossin was an ideal stroke of genius. Because the district that runs from the east coast to the west coast, with a big agricultural swath in the middle, really required someone who had a cattleman's background, a banker's background and even some lawyer's skills. That recruitment was successful because it was a tough race the first time around.

You know we are well pleased that Tom had the opportunity to serve. Time means everything. Certainly, I think Tom has advertised the fact that he has been the only Senator under the current scenario, who has not served, at least when he came in, as a member of the majority party. He came in the year that it switched out and he has been in the minority. When you are in the minority, and I think those of us on the Democratic side now, and I've had this conversation with those on the Republican side about when they were in the minority, you have to be a little sharper, a little more on edge. You have to be a little more strategic. Tom has taken that very seriously, has held the line, has taken a lot of difficult stands to point out the differences of policy. That's not an easy thing to do, but I think he has done it well.

I guess the question is, "What is he going to do now?" What is a person who is established, who has moved on, and been so successful in so many different ventures in his life, what does a new chapter hold? A new political office—you know we have been trying to convince him to run for Chief Financial Officer or maybe one of those other offices we think he would excel at. I think if we think about what Tom's real attitude about this is at this point, I've got a little present for Tom which I think says it all. It says, "If nominated, I will not run; if elected, I will not serve. Tom Rossin, 2002."

Senator Saunders: Thank you. Senator Rossin was also one of those Senators that helped me when I ran for office in 1998. I can honestly say that he was a good friend, and has been a good friend all these years in the Senate.

There has been a lot of talk about his love of his family in the process, and that does not need to be elaborated on, but I want to mention one thing that many of you may not know. That is, Tom has spent a tremendous amount of time representing, not just the most populous area of his district, the Palm Beach area, but has spent a tremendous amount of time over in Fort Myers and in Lee County. It is a very small portion of the district, but Tom was there more than you would have ever expected, certainly more than anyone even had hoped. I want to thank him for his willingness to travel across the Everglades to spend time in a very small portion of his district. He represented that district extraordinarily well. As a matter of fact, at one point there were some people trying to find a Republican in that area to run against Tom Rossin. The Republicans in Lee County said, "We don't want anybody to run against Tom Rossin. He is a Democrat, but we love him, and we respect him, and we appreciate what he has done for us." I just wanted to publicly thank Senator Rossin for what he did, not only for the state, but also for what he did for Lee County. Thank you.

Senator Latvala: Thank you. Just very briefly, Tom, I just want to say how much I admire you personally for one very important thing that I believe that you have done throughout your career here in the Senate and that is to read the bills.

We all know how difficult it is to know what is in every one of the bills that come before us. Just this morning I mentioned to somebody in the back that I needed to ask you if you had read the school governance bill. Because I figured that if there is anyone here that knew what was in that 1800-page bill, it was you. You have continually amazed me with your ability to pick out little things in some of these long bills. It is a real testimony to how much time and attention you give to this process and I appreciate it.

Senator Sullivan: Tom, I must say that I always admire someone who does his job in a professional manner. You have been thorough and workman-like. You have represented your point of view extremely well. You have always been a gentleman. I have enjoyed being around you and working with you so very much. Thank you for being here.

Senator Jones: Since Senator Rossin has come to the Senate—actually, I got here a couple years before he did—but he has just been a delight to work with. I was absolutely delighted when he asked me to be his Pro Tempore and to spend some time with him. I love his wife, Joyce, and his entire family. They have been as much an asset to the Senate as Tom has been individually. But, as has been said, and as the Senator from the 4th said many of the things that I was thinking about, I don't want to be repetitive about it.

I do think that you will be sorely missed and I look forward to working with you even more. I have a great admiration for the way that you do seem to know so much about so many things. The breadth of your experience, I think, goes to a lot of that. I often looked at you in wonderment and asked myself, "Man, is that because you've just been around so many years or is that because you've had so many different kinds of experiences?" I kind of had some envy with that as well. It was amazing to me, as well, how much you knew about so many different things in such a competent manner. They say, "Jack of all trades, master of none." You seem to be a master of so many different things. I appreciate that about you. I learned a lot from you after being exposed to you that way. It taught me about some of my own shortcomings and gave me a greater desire to be much better at some of the things I was doing as well. I want to thank you for that kind of mentorship.

Senator Geller: Thank you, Mr. President. Senator Rossin and I actually share Palm Beach County and have fairly similar districts. We both represent a heavily urban district, and go across the Everglades, sharing a rural district. As you can just tell by listening to Senator Rossin and myself, or by looking at us, the similarities are quite clear, startling in fact, we are twins separated at birth.

I have to compliment Senator Rossin from the perspective of a Democratic Senator. Senator Rossin, in my opinion, has done an outstanding and exemplary job as the Minority Leader. We needed someone that could be firm. The Senator from the 35th has certainly been the firm voice that we needed, while at the same time, someone that would be courteous and respectful. If you look at Tom, if you look at the Senator from the 35th, you see somebody that if you lined up 100 people and asked them to pick out which is the Senator, the majority would pick the Senator from the 35th. If you call central casting and say, "All right, we need somebody to play a Senator, send somebody down," they would end up sending down Senator Rossin. He looks the part and he certainly has acted the part.

He has been, as Democratic Leader, a truly outstanding one, because while he has been firm and has been effective at representing our point of view, and complimenting when complimenting was in order, and criticizing when criticizing was in order. He has been able to do it in his very genteel fashion so that people do not, hopefully, take offense at it because of his skills.

Senator, you will be sorely missed. Joyce, we will be missing you again. Candidly, when I go by Senator Rossin's office to see him, more frequently than not, I see Senator Joyce Rossin, as opposed to Senator Rossin. I think you spend more time in his office than he does. Certainly, we will be missing the two of you. Again, congratulations on a job well done.

President McKay: Thank you, Senator. Before I recognize the Senator from the 35th, I would like to add a few comments.

Tom, you and I have been down an interesting road the last two years, since we worked on the campaign trail to obtain a majority of the chamber. You said the other day when you wondered if it was worthwhile to get the position of President, after we had the presidential special session. Frequently, I have wondered if it was worth the effort as well. I cannot think of anybody that I would rather have worked with. You are hard working, you are principled, you are committed, and you are honest. You keep your word. That is so very important and so much appreciated.

You are also blessed. You are blessed with a wonderful life mate, and we will miss Joyce a lot. Her smile, the smile she's got on right now, we'll miss a lot.

I, too, am blessed with a wonderful mate in life. The two of us decided that we would like something for you to remember this Senate by and something for you to remember us by. Michelle and I have a little gift for you, if I could give it to you.

I will miss your advice. I'm glad that, whether we are here for another three days or another three months, that I will continue to have it. Hopefully, not three months.

SPECIAL RECOGNITION

The President recognized Senator Rossin for his contributions and accomplishments during his tenure with the Florida Senate and presented him and his wife, Joyce, a gift.

President McKay: The Senator from the 35th is recognized in defense.

Senator Rossin: Thank you, Mr. President, and thank you for all the kind words that have been said. It is always a great honor to be recognized by your peers. It has been a great honor to be in the Senate.

I won't take a lot of time because, as Senator Latvala said, "This could go on for a long time." I have had the unusual honor of being the most senior Democratic Senator in the Florida Legislature who, for 120 years, has not served in the majority. My wife says that my timing is impeccable, and it surely has been. It has been absolutely fascinating.

It has been a wonderful experience and I have enjoyed a lot of it. Some of it has been a little trying, but it is a great experience. I thank you. I really consider every one of you in this room to be friends, and that says a lot.

I would like to, maybe, just leave one thought. Because I feel very strongly about this and maybe will be working on it outside of political office when I get out—as long as public policy—and this is not just true of Florida, but it is true at the national level and in most states. As long as public policy is at times, and not always, for sale to the highest bidder, a system that gets involved in that is fundamentally flawed. The real test of political courage, and I think you all know this, is when you stand up to special interests, which affects your reelection. If I could leave one thought for everybody, including myself, I would say that I hope that at times each one of you will have that courage. It is very hard and nobody knows how hard that is more than the people in this room. It is a very difficult process. I commend you all for working hard. This is the hardest working bunch of people that I have ever had anything to do with. It has been a pleasure and I thank you very much.

SENATOR GINNY BROWN-WAITE

Senator Silver: Senator Brown-Waite, who has the distinct honor of being our President Pro Tempore, is a remarkable individual, not necessarily because she is from New York. Being from Massachusetts, we think a little bit different than New Yorkers, but the bottom line is she is from New York. She's had an outstanding career which has spanned many years in the State of New York in government. She learned a lot about the legislative process, and brought that tremendous experience down to Florida where she has excelled in every single respect.

If you have a project or issue that you want someone to champion, she is the person you want. Because she will take the most complicated issue there is and she will digest it; she will call people into her office for coffee and tea and sit around the table and first try to persuade them to come to a conclusion which everybody can accept. Then when that obviously doesn't work the first time, she will separate them and have them in for coffee and tea again and try a little bit of persuasion. If that doesn't work she will call them back in, all together again, and then really hit them hard. When you come in that third time, she has the plan.

She knows exactly where the end result is going to be. She knows what needs to be done; she knows what's fair; and she knows what the right answer is. Now, we have seen that. We've seen that in welfare reform and we have seen that in the nursing home issue. Does anyone know of a more complicated issue where people are on opposing sides than in the nursing home issue? Well, there may be some, but I tell you, I don't know of any more complicated issues. What an outstanding job she did for our

seniors, and for people who are in the nursing home industry, with that particular effort. It is very complicated indeed, but it is something that needed to be done, and she is still working on it.

Let's talk about health care a little bit. I have had the distinct privilege of working in the health care area specifically for the last four years. I do not know of anyone who is more dedicated and compassionate about the health care issue than Senator Brown-Waite. She knows the issue well. She again has the ability to put what's right above everything else, and she does it in a fair and equitable way. She also, I hate to bring this up right now, has some different types of nail polish that I'm not sure I want to see again; but I'll explain that a little bit later on. But the bottom line was, as you know, that was an interesting event that occurred. I just think that she is an outstanding person and so much lies ahead of her. I know she is going to be successful in her future endeavors. I know she is going to be an outstanding representative for whatever office she is going to seek. I think she's going to be fantastic. I look forward to working with her in the future as I have in the past. Thank you, Mr. President.

Senator Latvala: Thank you very much, Mr. President. Ginny Brown-Waite is one of those members of the Senate that I knew before I ever made the decision to run for the Senate. So I sent her up here to check things out and see if I wanted to be here. This year, we are going to send her to Washington to see what it's like up there. In 1992, I had the privilege of helping Senator Brown-Waite with her mail in her campaign. That was a successful campaign that year. I certainly enjoyed the opportunity of working with her.

You know we kind of developed a love-hate relationship up here. Many people have commented on it through the years—how we can be as close as we are, yet she can yell at me like she yells at me sometimes. You know, we have had it compared to being husband and wife. I have been compared to poor old Harvey on more than one occasion so that when Harvey is at home and there's only Jack up here, I have to fill the role of the one to be yelled at. I'm happy to have filled that role.

You know, Senator, you have great passion for the issues you get involved in. I think the first time we ever tangled was on water. For a couple of years, I won, and then you won. We traded back and forth on that issue. As a result of our mutual efforts, I think our region is in a much, much better position today as far as the water quantities that we need for our future is concerned.

I guess that the most significant thing that Ginny Brown-Waite will leave with this chamber and gradually as those of us who are term-limited out retire, there will be fewer and fewer people who will remember this, but the most dramatic day of my career in the Florida Senate, without a doubt, was the day we voted on overriding the Governor's veto of the tobacco lawsuit legislation. Of course, being a young Republican member of this body, I was going along with the leadership at that time and really hadn't questioned it too much. I was doing what I thought was my duty of the loyal opposition to the Governor. It was moving along for that override that day until Senator Brown-Waite took the floor. You could have heard a pin drop in this chamber and in the gallery as Senator Brown-Waite made her remarks that day. In the course, those few remarks basically changed history in the State of Florida. Billions of dollars are coming forth as we speak for many, many worthwhile projects in the State of Florida for the aged, for the developmentally disabled, and for health care for all Floridians, because of the courage of one Senator to stand up and be counted.

As I've looked back over my eight years in the Senate, once or twice I wish I would have done that, because that was so impressive and so courageous. Senator, you are a great role model. You are a great representative for the people you represent. I, for one, am going to really miss you.

Senator Sullivan: Thank you, Mr. President. Senator Brown-Waite, you are one of my neighboring Senators and one of the people I arrived and bonded with very early. I want to say that through the years, I have grown to respect several qualities that you have. One of these qualities is shrewdness. You can size up a situation, and do it with a smile on your face and a little bit of humor on the side, and make a point better than most people I know. The other thing that always struck me is that you are always so in touch with the people back home. You always knew what was going on in your district. You were always able to relate what was going on up here to what the people back home were thinking. Now I always found that remarkable. Your past experience up in New York served you well in the legislature and gave you the political courage early on that it takes many of us years to develop. You were such a great asset to the Senate right from the beginning. You will be sorely missed. I'm sure you will be a great asset in your next position.

President McKay: Before I recognize the Senator from the 10th, let me just add that you have been a wonderful President Pro Tempore. Your leadership has been exemplary. On so many issues, particularly long-term care, all of the people in Florida are indebted to you. You are recognized, Senator from the 10th, for words of defense.

Senator Brown-Waite: I promised my family that I wouldn't get choked up, but I guess, I am a failure. I love this process. I love each and everyone of you. You know, when I used to be a staff member, I used to criticize the Senators because they couldn't remember the bill numbers; guess what, I became one. I used to criticize some of the Senators because I wasn't certain that they really did their homework. Sometimes I sat here, and because I'm one of those people who read the bills, and sometimes I thought, you know, Senator so-and-so hadn't really read that bill. But then each and everyone of you would stand up and surprise me and let me know that you did read that bill. When I served as a staff person, people always thought that I wanted to be a Senator. I used to tell them, "No, I'm too smart!" I never wanted to give up that much of my life. I can only tell you that these 10 years have been the best 10 years of my life. Thank you.

SENATOR BUDDY DYER

Senator Klein: Thank you, Mr. President. The Senator from the 14th is another one of the distinguished colleagues to whom we are saying farewell. Although we know and hope that he will continue to be around. I have known the Senator from the 14th for a number of years. I'm going to tick off a few different ways that I have observed him and I know him. A father, a Democratic Leader, a Gator, a roommate, an Attorney General candidate, and a friend. Senator Buddy Dyer is all of these. He's soft spoken, but he's forceful when the occasion arises, as we have seen. He has been committed to people and causes one after the other.

He's truly Senatorial in style and demeanor as we have heard from so many of our other colleagues that we are honoring today. As a father, not only as a father, but also as a husband. He's always there for his two sons. I'm sure you have seen one who was up here this week, Trey, 11, and Drew, who is 6. You can always tell the good parents who have kids in this process; they are the ones who try to minimize the travel time. We know that Senator Dyer tries to catch that early flight here on a Monday morning or Tuesday morning just so he doesn't miss the Little League game the night before or rushes back and comes back the same day. He also rearranges his schedule so that his wife, who is a practicing attorney, can be out of town for depositions and trials. He makes sure to share in all of the family responsibilities. So, he is a wonderful person in successfully managing that balancing act as well as anybody, any one of us in this process. As a Democratic Leader, for all of us who served at the time when he was Democratic Leader, he stepped in when Senator Jenne left. He was able to balance the needs and wants of our caucus and to take on and lead us in collegial battles as necessary.

When I was walking in, Senator Scott, one of our former Senators and past Senate President, was telling me, and I didn't realize at the time, that he was sharing the experience that Senator Dyer took on a very bold proposition a number of years ago. That was fair funding for schools of Florida. We all know that the whole formula is very complicated and very difficult. But what do we always do? We always look at our own community first. That's where we get elected. But Senator Dyer took a modern perspective and wanted a fair formula which treated the urban and rural areas fairly throughout the state and didn't give a great advantage to any one area. I'm told that it probably would have provided maybe some, or less benefit I should say, to where he was from, but it was the right thing to do on a state level. I think tremendous statesmanship was shown in that process.

On a further side of serving, and watching Senator Dyer serve, many of us have spent many weekends here in the Appropriations suite toward the end. I have always appreciated Senator Dyer being able to leave on Friday and come back on Monday feeling totally refreshed because he has Senator Webster or Senator Jennings or Speaker Feeney, also from

the same community, protecting all of his millions of dollars of appropriations without a lot of effort on his part, but obviously being in a supporting role. But many of us who don't live in communities that have leadership behind us appreciate your having that benefit.

As a Gator, we know that he is a hard-core University of Florida fan. We hear about it any time he has the opportunity; he always stands tall. For those of you from Florida who support the Gators in football or basketball, I have to share with you about yesterday. I had my daughter up here this week and I also had a whole group of tickets to the Florida State and Citadel baseball game—good game. It was supposed to be a good game. Last year the Citadel beat Florida State. Even if you are not a big Florida State fan, to go to a college baseball game, that is one of the best teams in the country right now, I thought would be enjoyable.

So, I had a few extra tickets. I said to Senator Dyer, "I have tickets for your son and his friend and you." He said, "Well, that sounds pretty good." Later in the day he said, "Nah, my son passed on the tickets." I am thinking how can an eleven-year-old pass on going to a great baseball game. What is the deal? He says, "It is Florida State. I don't need to be involved in that, you know." This is an 11-year old who has already picked up the genetic influences of the home. That's right.

As a roommate, we have roomed together for a number of years, about six years. The first year we shared a house that I happened to arrange, my biggest mistake. We walked into the house. There was an older woman who lived there and she would rent it out and go somewhere in the Panhandle for the session. She would come home on the weekend, and wash our clothes, interesting arrangement.

But when we walked in there, on the first day, it smelled like a combination of moth balls and rigor mortis. Ever since then, when our wives came up, and saw the way we lived, they have never stayed in any of the places. Since then, they usually demand that we stay at the Governor's Inn.

But for those of you who want to hear about Senator Buddy Dyer, sleepwalking and snoring and all the rest of that, we will save that for another time.

The Attorney General candidate that we know is in our midst, and with deference to our other colleague here, the Senator from the 16th, whom I know will be running a competitive race this year, this is an opportunity for the next chapter of public service for Senator Dyer. He has been a great practicing attorney. I think he has shown great leadership in this chamber. I don't think that there is anybody who is going to question him in this process or in his campaign on his fair, balanced view of issues or his work ethnic. Certainly, all wish him well. This sounds like a campaign brochure, and being that I will be working on his campaign, I want to suggest that he will be a great Attorney General, given the opportunity.

But lastly, as a friend, Buddy and I come from totally different backgrounds, different parts of the world. I grew up in Ohio, in a big city. You say you are one of the only people who literally was born, and still represents the same area of the state. Being from Kissimmee, and the experience that you had growing up was totally different from mine, but it has truly been a wonderful relationship. Being a friend of yours and learning from you, the kind of experience that you bring to the table, was different from mine, but it certainly made us more well-rounded learning from each other.

So, as a great leader, a friend, a loyal fan of this state, and someone who has taught all of us what it means to be a Senator, we wish you well. We thank you for your public service, your service as a Senator, and leader in this chamber.

SENATOR LEE PRESIDING

Senator Wasserman Schultz: Thank you, Mr. President. In ten years I have written myself a lot of speeches, stood on the floor of both chambers to give remarks about a myriad of items about people. Quite honestly, there is no greater privilege than being asked to honor a true friend. Buddy Dyer is the essence of the word friend. As only we in this chamber can appreciate, this process can be a lonely one. Often we look around us, as one of only 40 people in the entire state who were selected to do this job, and the isolation can be somewhat frightening. To cope with the emptiness, we all look for allies, we look for a life-line, we look for someone we can call friend, in the truest sense of the word.

Senator Dyer, Senator Klein and I come from totally different backgrounds. We were raised in different regions of the country. Had it not been for this process, our paths likely never would have crossed. What a loss that would have been for me. From the beginning, we developed a fast friendship which I will always treasure. Ralph Waldo Emerson had a lot to say about friendship in his day. One of the things he said describes the type of friend Buddy is to those who know him. He said, "The glory of the friendship is not the outstretched hand, nor the kindly smile, nor the joy of companionship. It is the spiritual inspiration that comes to one when he discovers that someone else believes in him and is willing to trust him."

Buddy Dyer believes in his friends, and trust and respect is mutual. I know many of you feel the same way. Buddy Dyer always has a smile on his face. He has an easy way about him that makes the tension of this process melt away a little when you interact with him. He came to Tallahassee with a degree from Brown, a law degree from the University of Florida, and the highest grade on the bar exam the year that he took it. But if you know him, you know he's still Kissimmee's native son, a man who has never forgotten his roots. He is not only proud of where he came from, but the pride and values instilled by his upbringing have driven him throughout the last ten years. Buddy's roots both define him as a person and his approach to public service. He is an accomplished, goal-oriented person, as many of us are. He is the local boy who made good. Rather than stay home in Orlando where he could bill hours as an attorney and spend more time with his family, he chose to sacrifice a portion of his private life to public service and to give back to his community. He is a devoted father and husband, our families have been lucky enough to spend time together. It's impossible to miss the obvious love he has for his family. Buddy is a great dad, one of the highest compliments that anyone could give is that you are a great parent. His legacy is long and detailed and I would like to touch on just a few of the highlights here.

Senator Dyer sponsored and passed legislation creating the Lawton Chiles Trail, a tribute running the length and breadth of this state, commemorating that famous hike of our dear, departed friend, Governor Chiles. He was the Senate's Minority Leader for three years, a term that he dignified with the honor and decorum that he brought to that difficult position. Senator Dyer, champion of education and consumer protection issues, was a leader throughout his tenure in the legislature in both of these areas. He passed major school safety legislation and has stood up for public education again and again. He's always been a staunch ally of his beloved Gators, my beloved Gators. I think everyone would agree that the teachers, parents and students of this state have had no better friend in this chamber than Buddy Dyer.

During his chairmanship of the Community Affairs Committee, he promoted legislation that advocated responsible growth management and protection of the environment. I would be remiss if I failed to mention the Lake Apopka clean-up which was one of his proudest moments; turned an environmental nightmare into the crown jewel of Citrus County.

However, he was not a friend to all of the water bodies of Central Florida. Some of you might remember him as the nemesis of Lake Monroe's blind mosquitoes; apparently, he was their devout enemy. However, despite all of his accomplishments, he hasn't been successful at everything he has attempted. You haven't lived until you have heard Yiddish, Buddy Dyer style. Teaching him the finer points of pronouncing words like "oy vey" when speaking to a condominium crowd has been a little bit of a struggle for me. It just doesn't seem to come out quite in the same way in his Kissimmee accent.

Senators, term limits are taking ten of our best. Florida will be deprived of some of our best and brightest minds after this term ends. I would argue that term limits also takes a little bit of heart from us as well. The Senate's loss of Buddy Dyer's intellect, temperament, character, but most of all heart, which is deeply committed to Florida and his constituents, is not only ours, but Florida's. Hopefully the Senate's loss will be Florida's gain when he takes his commitment to public service to the next level. In the arena that is the Florida Senate we pride ourselves on being able to sift through and discern the genuine from the phony, the facade from the substance. Buddy Dyer is genuine and he is all substance. In this arena, you could not find a finer person or a better friend. Beethoven said it best, "Never shall I forget the days that I spent with you, can you continue to be my friend, as you will always find me yours." Buddy, we will miss you.

Senator Rossin: Buddy, when I came in this process, you were already here. I have to tell you that, as Senator Wasserman Schultz just said, there is no better friend, if you have a friend in Buddy Dyer. He has actually, ahead of me, been the Senate Minority Leader. I remember when he first started, he took over from Ken Jenne. I was thinking about asking other Senators whether they would like to elect me as the Senator after him. I was thinking, how do you do that, learn that many issues. I had only been here such a short period of time. Buddy did it so well, so easily, and competently, that it was something that I really admired. Senator, I won't go on because we have lots of other people to honor, but you have been a tried and true friend, you have been a true patriot to the State of Florida, there's nobody in this body who cares more about the people who can least take care of themselves. You are truly to be honored for that and for your life. Thank you.

Senator Dyer: Thank you Mr. President. Mr. President and members. I was flying in, I guess it was during one of the two special sessions we had last year, and was reflecting on the fact that I had been here ten years. That was basically a quarter of my life. I was thinking a couple of things: the last two years have been especially nice because I'm finally the senior Senator in Orange County. Toni Jennings had been for so long. I can now wink at Senators Constantine and Webster, and tell them that I am the senior Senator. So that's been kind of nice. But I have also reflected back to 1992 when I came here. I'm one of the ones who came without the benefit of any prior elected service; neither in the House, nor school board or county commission or anything. There's far fewer of that type these days, I suppose.

I was asked this question a lot when I got here, "Was it what you expected? Was serving in the Senate what you expected?" I had never seen the Florida Senate in session, or the Florida Legislature for that matter, until the day I was sworn in. It was the very first time. I have reflected recently on whether it was what I expected. If I had one thing to say about service in the Senate that I have observed, it's that the collegiality of the body overrides just about anything I can think of. The friendships are across party lines. It doesn't matter, some of my best friends are Republicans, just as well as Democrats. As I reflect, most of my reflections are more of a personal nature than they are about anything that I have passed or that anybody else has passed.

I think back to a session in 1994 when I had Trey on the floor. We had a recess. He sang the "Itsy Bitsy Spider" song and the "ABC" song on Senator Childers' lap. I think about the end of the 1994 session, when Senators Burt, Diaz-Balart, Jennings, Silver and I all had breakfast with Senator Scott. I think about things like voting with Senator Casas, every time for Hialeah, not knowing what the issue was, but I was going to vote with Senator Casas every time for Hialeah, and I think about naming the Ocklawaha Dam for George Kirkpatrick, that started out as an April fool's joke. Once we got it on, we left it on and I caught a bunch of flak from the environmental community about doing that. George came to me a couple of years ago and told me how proud his mother was that the dam had been named after him. It was little things like that, Charlie Bronson and the ibis hat. Someone mentioned that today and that's something that I will never forget. One other—I'll give you two others. Most of you will remember that my mother was attacked on Good Friday a couple of years ago. Just the outpouring of support and everything from the Senate when that happened was very significant. Two years ago, on the last day of session, I had the opportunity to go sit with Senator Thomas for about an hour on the floor. I knew that I probably would never see him alive again. That was very significant.

So, most of the things for me really are personal. I have one bit of advice that I have learned over the ten years and probably you won't be able to make use of this, but never use Senator Silver as an alibi to your wife about why you stayed out so late. That's kind of like throwing fuel on the fire when you do that. I learned that lesson very early in my career. I did not subject myself to that again. But lastly, I appreciate Senator McKay's emphasis on the traditions of the Senate and reminding everybody about the traditions and collegiality of the Senate. I appreciate your leadership during this two years and I appreciate the friendship in this chamber. Thank you very much.

THE PRESIDENT PRESIDING

SENATOR DONALD C. (DON) SULLIVAN, M.D.

Senator Silver: Thank you, Mr. President. I have spoken initially about Senators Latvala and Brown-Waite and now about Senator Sullivan. I must first confess, when Senator Sullivan came here, I never knew what type of doctor he was. I kept on going to him for anything and everything. He finally told me, when it got to be an area where he was not proficient, that maybe I had better go and see someone else. It wasn't a very pleasant area. So, you can imagine what that was. "Someone else may be able to do this better than myself."

But, I mean, there was a difference between Senator Latvala and Senator Sullivan, for sure. I think we all recognized that. As I said before, Senator Latvala expresses his emotions very well. Senator Sullivan is even across the board. I've never heard him raise his voice or express displeasure with anyone. I have heard him be firm, and it's been my pleasure for the last two years, and even before that, when Senator Sullivan chaired the Appropriations Committee, to work with him on the Appropriations Committee. Now that he's in the education type of the thing, and I take care of health, education and services, we gobble up most of the money, or whatever there is of it. I keep trying to get a little more of that education money into health care services. But he doesn't want to give me any of it. I am again, like the foster child with the money situation. He is an individual who is so caring.

The thing that interested me now, as I found out a little more of his past; that he did his internship in Cook County. So it's hard for me to believe that he is a little naive about politics, a country boy. I think anyone who was in Cook County knows a little bit about politics and learned a little bit about politics there, and how to do it. He's very aggressive, and Mr. President, as you know, very loyal. When he sets himself in motion and goes down a path, he is a tremendous spokesman. He is one that you can take for his word. On education issues, he's absolutely outstanding. The education community has to be fortunate, indeed, to have somebody in charge of that Appropriations Subcommittee and to do what needs to be done in that particular area, because it's not an easy area. He's probably about the only person, and maybe he can tell us a little bit about that later on, that understands the formula and knows exactly what is going on there. I've been here 24 years and I still don't understand it. All I know is that I need more money for Miami-Dade County, and it's always somewhere in the neighborhood of $20 million that we need. But the bottom line is, it's been my privilege to work with Dr. Sullivan. He is an outstanding doctor, legislator and citizen of this state. Thank you.

Senator Latvala: My first experience with Senator Sullivan was one day while I was in private enterprise and I answered the phone in my office. It was, "Jack, this is Doctor Sullivan. I want to run for the Senate." I said, "Well, you know, that will look good on a ballot. Doctor Sullivan, that's just what we need in political life is another arrogant doctor." But Don has learned a lot since he is not being a doctor every day and in the real world life of rough and tumble politics, I have learned a lot about Don.

Don is probably one of the most all-around people in this Senate. Despite the fact that he's got near 20 years on me, I'm sure, there are people in this process that will bet that he's younger than I am. He's certainly in better shape than I am. He is a guy who is as at home in this chamber, and Senate, and board room as he is on his tractor on his farm or in his pine trees in Georgia.

We did two political races together. We did a losing race against an incumbent Democratic Senator, and we got a little bit better. We did, I think, the last winning race where a Republican incumbent in this Senate was beaten in a primary. I think Don has the distinction of being the last person to beat a Republican incumbent in a primary for the Senate in the State of Florida. In 1992, he came up here and joined the Senate. He has been dropped off, out in the Canadian outback in the wild with his buddy, Hank, and had to find his way hiking and camping back, 60 or 80 miles, to civilization. That's his idea of a good time.

Don is the man's man, and a pilot. I'll never forget the last plane trip that I went on with him. We were taking off one day here in Tallahassee going home. He said, "Hurry, we have to beat that thunderstorm." We revved up the plane. We closed the door and headed out the runway, and there's lightning on this side of the runway and there is rain on the other end of the runway, and before we go halfway down the runway, he turns around and takes off. As we took off, there's lightning on both sides of the plane. Very courageous individual, like most doctors who think that they are beyond death, they will beat death every time.

But Don has made a great sacrifice to serve in the Florida Senate. He had a booming medical practice from which he retired after he learned

that it's difficult to be in the Senate and have a career. He ended his career to serve the people of his district in the State of Florida. He's become our expert on education, and quite an expert he's become. Everyone knows that I would hate to disagree with my good friend, the Senator from the 38th, because he's so much more knowledgeable than I am, but I would disagree and say that obviously, Senator Silver has never been in the Education Appropriations Subcommittee when Don and I have tangled on issues related to St. Petersburg Community College. He has lost his temper. He has ripped me on more than one occasion in there. So he's 'even keel' except on those things that he's emotionally connected to and his personal projects that he's taken through the years. Our people in Pinellas County owe Don a great thanks for having really the first independent four-year public education institution. He made that possible for Pinellas County. Pinellas County has been forgotten in many things for many years. Don has made sure that in the higher education field, we have been able to make strides over the last several years. Don has left a lasting imprint in that area on Pinellas County. He has shown great leadership. He has shown great courage. When he decided to abandon his potential race for the Florida House of Representatives, he showed great intelligence. We love you, Don, it's been a great opportunity to serve with you. We look forward to being with you many years in the future.

Senator Brown-Waite: I rise to add accolades about Senator and Dr. Sullivan. Thank you very much. Doctor Sullivan, we arrived at the same time. The difference is, I took conventional transportation, and you rode your bicycle. So I have to ask the natural question, "Do you plan on riding home on your bicycle?" For those of you who aren't aware, when Senator Sullivan first came here, he actually made the bicycle trip from his home in St. Petersburg to Tallahassee. I wondered if he had just hopped on his bike just outside the Tallahassee limits.

Senator Sullivan has, for a long time, been an advocate for education. Let me share with you, in addition, the many other reasons why I respect Don Sullivan. It's because he not only doesn't follow the party line, he also, when necessary, steps out of bounds of that which other medical communities would want. When Don Sullivan knows that it is an issue that would impair good health care, he will be the first to speak out. We are going to miss you, Senator, very, very much.

President McKay: The Senator from the 22nd is recognized, Senator from the 22nd, being the education expert and finance expert in this Legislature.

Senator Sullivan: You are very kind, Mr. President, for recognizing me as an education expert and finance expert in this Legislature. For those members, the first time the President and I met was at the bottom of Air Force One as candidates. John, except for the fact that you put me in a position to lose $35 to the Governor on the golf course, it's been a great friendship and a great ten years.

You know, there are two parts to this job. There are the things that we do. As I am about to leave, the thing that I will take with me that means the most is the fact that I've had such a wonderful group of people. I take with me a great store of memories. The other day, amidst all of the action, I sat down and I started to write down just the memories that were kind of meaningful to me. I went to 26 real quick. I had to eliminate a few, but I wanted to run through those memories, because some day each and everyone of you here are going to be leaving this process. You are going to leave this process. I'm glad Ginny broke up because this is close to making me break up, because I love this process and this institution.

My earliest remembrance is my father coming to the organizational session in a wheelchair. I had to park down below and wheel my father up the stairs, because I didn't know the Sergeant or anyone. I had no one to help me wheel my father up those stairs. I wanted to make sure that he was with me that day. He was so proud. I will always remember that. Every time I go by a kid riding a bicycle with a helmet, I'll thank this Legislature. There are many of you that agreed with that position. No one was wearing a helmet. Everyone is wearing one now. It is a constant reminder that I really did something worthwhile.

My first committee meeting, with my Vice Chairman Buddy Dyer, and when I say first committee meeting, it was the first one I ever saw and I chaired it. Buddy Dyer was sitting there trying to figure out what was going on too. So the two of us share that geat moment. I remember W.D. Childers' sports coats. I remember Mark Foley hawking frozen desserts to the entire chamber. I remember Bright Futures with Senator Pruitt. I remember cigars at three in the morning with Mario Diaz-Balart while we were working on the budget, a very fond memory. I remember working for six years with probably the most wonderful group of people in the Appropriations staff. I will forever remember those people and all they did for me. I will remember the people in the Education staff for their patience in explaining to me things that I did not understand. I remember turkey hunting with Wayne Todd in the bright early morning. I remember my first experience in Tallahassee was in the clinic when Joe Brown came in with a hangover from eating quail the night before. I remember Toni Jennings, unveiling the picture of Tommy dressed up as Toni. How could you ever forget that? I remember Pat Thomas coming to me on numerous occasions and saying, "Doc, you are really doing a great job. I appreciate it." If there's ever any advice to the people who remain behind that I can give, it is, "Always help the new guys. They are a little unsure. They need that encouragement." I remember cigars at Clyde's after sine die and warm summer evenings. I remember giving Toni her ring as a gift on behalf of the entire Senate. I remember early morning coffee with Phil Twogood for about two years when every morning we would meet to go over rules. I remember David Winialski talking so fast I could never understand him. I am going to miss you all. It is all nice, the things that you have said about me. I have enjoyed working with everyone of you. My best wishes to you. I know you all will be a success. Thank you very much.

SENATOR LOCKE BURT

Senator Crist: Today I was compelled to speak on behalf of my dear friend. In fact, I wore a special suit that I haven't worn in over a year. One I used to wear in the days when I was in the House and I used to come from the House and work with the Senate on justice issues.

When I was elected in 1992, I was kind of surprised. I wasn't expecting to make it since my district was only one-third my party affiliation, but we did. I found myself in a process that was extremely fast paced and confusing. I soon found that I was pigeon-holed into an area of criminal justice; not being an attorney, or law enforcement guy, but being a creative mind from the advertising industry, I was concerned. Things moved so quickly. Everybody seemed to be so caught up in their own worlds. I was trying to find out where I could go for guidance and advice and to learn quickly. Dad always said, "Sit back, study the terrain, pick out those that have been there before you that are accomplishing and learn quickly from them." And I did. I looked in the House and sighted a few members. I looked in the Senate and sighted a few individuals.

The member that has stood out the most for me here was Senator Locke Burt. He was the lead on criminal justice issues, both criminal and civil. We found ourselves at a time where our citizens were mandating reform and change. Crime was at an all-time high in the State of Florida. It was watched world-wide, an embarrassment. We were soon into issues, special sessions, and this went on not for a year, not for two, not for three or four years. Locke Burt was, and still is, a lead on justice issues here in the Legislature. Even when he didn't chair the committee, he still remained at the forefront of these issues.

During that time, we saw terrific reforms take place in the state that have, for the last nine years, driven Florida's crime rates down. Today, Florida has the lowest crime rate that it has had in the last 28 years, thanks to the good work of many of you and the leadership of Locke Burt. As usual, I prepare my thoughts, and do all the ground work and leg work. I like to speak from a script because I don't make many mistakes. But today, Locke, I wanted to talk from my heart, because I really feel, I'm beginning to feel, a very tremendous loss from your departure from this process. No, you are not the most vocal and demonstrative. You don't stand there and rant and rave. You don't barge into my office with a bottle or baseball bat and say you have a choice. You very logically, methodically reason and look at the issues, and make wise decisions.

Probably the best advice that you have given me over the years was, "Victor, just chill." For those of you who know me, that was good advice. As you can see in the Senate, I have done a lot of chilling. But in the heydays of the House, it took that calm, cool, soothing brotherly guidance to help move us forward in very rocky, tough times.

Senator King, Senator Webster, during those early moments where I wasn't always as you would say, Senator King, "on the boat as it was leaving the dock," it was Senator Locke Burt who would piece it all back

together again in the Senate. As many of you know, it is the projects that I work on that mean the most to me. It was Senator Burt in the Senate who would take notice. Before agreeing to do something, he would literally come to my district and look at what I wanted to do before agreeing to step in front and move it along. I think that, as busy as we are and the demands on our schedule, says a lot about an individual. Someone who is thoroughly interested, not just in the process but in the people that we serve, a compassionate, moderate, genuine, thoughtful, intelligent person who is in this for all of the right reasons. Along with the other leaders that we heard about today, this will be another tremendous void in this process.

On this list of things here, he is a tremendously successful businessman, but yet he spends most of his time here working this process in public service. He is a great family man. I have had an opportunity to become friends with his wife, Ann. He has a daughter, Melissa, and a son, Thomas, who are both very successful, very well educated. I guess, they say the fruit doesn't fall far from the tree. But as we reflect today and we look back at the accomplishments and work and achievements, we can't help but look ahead for you, my dear friend. I'm encouraged at the thought of your serving. Continue to serve in this process in a position that is worthy of your talent, your experience, and your accomplishments. That's why I support you in that endeavor, which is not an easy thing coming from the market in this area from which I come from for many reasons. Thank you, thank you for helping me to adapt to this process quickly. Thank you for being the counterpart here in the Senate to make true reforms and to make the tremendous visceral impact on this state happen. Thank you for your service for this body and for the people of Florida.

Senator Sullivan: It took me six months to figure out whether it was "Senator Locke" or "Senator Burt." Actually, the first time I met Senator Burt, he doesn't remember it, I'm sure, it was at an insurance company meeting over in Tampa. Then-candidate Burt was meeting with some political supporters. I can remember I was a candidate at the time. I was so impressed at his ability to stand up and I wondered whether I would ever have the aplomb and capability to address this group. Locke, in case you don't know, had some of the most bitter, highly contested and most expensive Senate races to begin his career, and not only the ones that got him in the Senate, but the ones that followed were the most bitter and highly contested races in this state. As Locke has always pointed out, he had five election campaigns within the period of two years and they were tough ones. Locke was very successful. He carried on kind of a tradition in his family, because I guess his dad was also very active in the Republican party. His grandfather was very active in the Republican party, many years ago. Locke has a little bit in common with me, we come from the steady Midwest, an unflappable and dependable type of people. He followed me at Northwestern. We both have that in common. I think I was on my way back from the Philippines, right after having gone through medical school, residency, and two years in the military by the time he was getting out. So early on I identified with Locke. I came to the Senate and he was here. He was my senior. I looked up to him. At one point, he was my Appropriations chairman. I worked for him in the appropriations process. Locke has always specialized in criminal justice, and legal things and done a marvelous job. He has used his legal background to the maximum effect. His nickname is "lock-them-up, Locke." I don't know who coined that phrase, but it is a great phrase. Lock-them-up, Locke is so intense it caused his daughter to have a difficult time getting dates for a while. Check that. It is a fact that Locke is a family-oriented man. The degree to which he holds his family in high esteem, and in that regard, Locke is a great man. Locke, during all of your time here, you have been a thoughtful, confident and diligent person, you have run your committees with a great deal of thoroughness, been a good friend to all of us. It's something that goes beyond just workmanship. We have respected you and liked you. It has been a pleasure to be with you and on behalf of all of the members from the Florida Senate, I would like to say it has been a great period of time to have spent with you. I look forward to seeing you once we get out of here. Thank you very much.

Senator Burt: Thank you very much for those kind remarks. It's been a great 11 years. I think Senator McKay, you and I are the only two Republicans who have been here long enough to remember what it was like to be in the minority. Reflecting back on the last 11 years, you can think about the personalities who have been diversions or you can think about the issues. One of the things that struck me, just sitting here thinking, is that the issues haven't changed a lot in the last ten years. Ten years ago, I remember sitting in this Senate as a freshman arguing about the election of the President of the United States. I know probably most of you don't remember, but prior to the 1992 election, I think the Democratic party nationwide was trying to change the way that electors were appointed. In Florida, they ran a bill that would have changed the way electors were appointed in the presidential election. It would have been an individual race in each of the 23 Congressional districts. Then the two electors representing the Senate would have been elected at large. That bill passed the House and came over to the Senate. It was taken up. Dick Langley, master of the rules, held it at bay for quite some time; passed it on second reading. Then it just went away. If that bill would have passed, we would have a different President today. We had a big discussion ten years ago about the budget. We had a tremendous recession, we had to cut expenses or raise taxes or something. We are talking about that today. Ten years ago, we were talking about reapportionment. We had a couple of special sessions and 26 divorces; it was a real rough time. Ten years ago, we had Hurricane Andrew. They were talking about changing the homeowners market and bringing it back in Florida. We just talked about that the other day.

I think looking forward ten years, you are probably going to be talking about some of the same issues. The people are going to change, but I think some things are going to stay the same. I think first, what's going to stay the same is, what are the really important issues for this Senate. I think number one is guard your power to appropriate. That's why we are here, to guard the public purse and to appropriate money. There have been attempts in the past by the executive branch to dilute that power. You are going to have to guard that jealously. I think the other thing that's important is the separation of powers. What makes us different from other countries is an independent judiciary and three branches of government. We have seen, and will continue to see, a creative tension in those three branches of government in the future, but we have to preserve that at all costs because it is what makes us great. On a personal level, I guess what I would like to say to those of you who are going to continue in the Senate, I would go back to something that my first chairman, Senator Beard, who didn't say very much, said, and it was, "You all are special." You are special because many, many people sent you here to represent them. But I would like to add, you are not that special. Don't take yourself too seriously because a lot of other folks don't. Be true to yourself because I think your diversity is your strength. What I have tried to do in a little way is make a difference in the lives of individual Floridians. I think Senator Jones has a great story about A, B and C bills. The point of that story is that we spent a lot of time on the wrong kind of bills, refereeing economic disputes and things that don't make a difference to a lot of real folks. But what I have felt best about in the process is saving lives. I think some of the criminal justice legislation, I know some of the criminal justice legislation that we have passed has saved lives. Some of the things that we have done to improve the benefits for our police and retirees have changed lives. I have had police and firefighters come up to me with literally tears in their eyes and say, "Senator, you don't know what a difference you have made to me and my family." I think that's why we do what we do. I think there are all parts of this business that we don't like; but if you can make a difference in somebody's life, then that is what it's all about; it's worth it.

In closing, I would just like to thank each of you for the courtesies that you have shown me over the past years. I appreciate it very much. I would also like to thank the staff of all of the committees that I have had the privilege of chairing, whether it's Criminal Justice or Appropriations or the folks in the Majority Office. They have made it easy to look good. Their dedication and effort to this Senate is something that I'm never going to forget. Thank you.

SENATOR DARYL JONES

Senator Laurent: Thank you. An enjoyable surprise about public service is the friends that you make and people that you meet in this process. I was elected a Republican from Polk County. I was the first Republican from Polk County, at least since Reconstruction. It was pretty conservative. In 1990, Fred Jones was the Dean of the Florida House. He was also from Polk County. Fred can be a little eclectic at times. Fred told me that the Florida Legislature reflected the State of Florida but did not reflect Polk County. I had no clue what he meant; I didn't have a clue. But I found out that Florida is a large and diverse state. At the same time that I was elected, there was a freshman Democrat from Dade County. There was also a freshman Republican; a His-

panic from Dade County, Representative Miguel De Grandy. The freshman Democrat from Dade County was Senator Jones. Miguel De Grandy, Senator Jones, and I all served on the same committee and we formed a fast friendship. We called ourselves the "A" team because we amended everything that came through the committee. Daryl is now set on a greater challenge, a new course and a race for governor. I'm confident that you will bring the same focus and integrity to that process as you did to the legislative process. However that challenge turns out, I will always remember my friend, the freshman from Dade County and a member of the "A" team. Good luck, my friend.

Senator Meek: Thank you very much, Senator. As many times as I have had to speak before the Senate, I can actually feel the blood running to my heart as it relates to the words that I have to speak on behalf of an amendment or piece of legislation. When we talk about not only friends, but people that you look at as a mentor or someone that you may have observed for a period of time, or a person who has made charitable comments about me or yourself, you have a different feeling about that individual then. I can say, as it relates to Senator Jones, we share almost the same community. Our districts in Miami are split by what we call Martin Luther King Boulevard. He has the south side of that boulevard. I have the north side of that boulevard. Many times, we show up at some of the same meetings. Over the period of years that I have been in the Legislature, now going on eight years, on Martin Luther King's birthday we have the opportunity to participate in that parade. Many times, Senator Jones and his wife, Myoushi, and their children are in that parade along with my wife, Leslie, and our children. I can't help but to reflect on a comment that a young lady made one day at the end of that parade route. At that time the end of the parade route was in Martin Luther King Park. People congregated there after the parade. There was a young lady with two of her children. Her husband was actually working at the time. She said, "Senator Meek, I want you to know how much it means to us as a family to see two men who are in elected service, to visibly and knowingly love their families the way they do."

Senator Jones was elected before me. I know it is a great challenge to be up here. Many of us know in this room, our children and spouses make a great sacrifice for us to be here. We think it's hard, but it's truly hard back home. Many times I have seen my good friend, Senator Daryl Jones, take a flight back home just to catch his kids in a program. I think that's very important. Character speaks to the representation that he provides. Senator Jones, in my opinion, is one of the top ten orators and debaters in the state legislature today. We have some members who can flat turn the vote based on the debate. Senator Jones is a part of that group. Well-studied, he takes time out to study his own analysis as it relates, and compares it to the staff analysis. Then he'll go and talk to some other folks about it and really bring it all together to make sense of it all. I know that serving in this State Senate that I probably would never have the opportunity again in my elected life, need it be here or in another chamber, to serve with such a person as Senator Jones. Senator Jones is the dream and prayers of many individuals that have crossed paths with him. He has been first in everything. You couldn't ask for a better resume than this man has; being first in the class, you name it, the Air Force Academy, leading as a young lawyer, as a leader in the Bar Association, moving to Miami from Mississippi of all places, and getting elected, because we are very clannish in Miami for those members in Miami. If you weren't born in Cedars Hospital, you have a problem because you are not home-bred. You are not going to be elected. Senator Jones was able to push through all of that. He was a member of the Orange Bowl Committee. An elected official cannot be a member of the Orange Bowl Committee, but they chose him before he was elected because of his leadership skills. The first time that you met Senator Jones, you knew he was somebody. You knew that he had something about him that just had leadership, just glowing. To have the opportunity to be chosen by our past President, Bill Clinton, to be Secretary of the Air Force is an honor in itself. He has been able to keep his cool through it all. It's been a roller coaster up and down, but he has been able to stay calm through it.

I also want to share with you, I had a confrontation with Senator Jones when I was getting ready to run for State Senate. I called Senator Jones on the phone at the time. This was during the time he was being considered for Secretary of the Air Force. I said, "Senator, I just wanted to call to tell you that I'm running for the Senate." He got quiet. I said, "Not against you." He said, "Okay." He wished me well and said, "Kendrick, whichever way it turns out, I hope we have the opportunity to serve in the near future." We have had that opportunity. Many of us know that Senator Jones, both of us have our name on many amendments as it relates to making policy better here in the State of Florida. I know from this point, whatever political career that Senator Jones seeks from this point on, that he will be successful in some way. He will continue to serve not only as a leader in our state but a man within his own family.

I'm so glad that his children had an opportunity to see their father carry out such leadership acts in our state and still, still continue to rise, continue to move forward and continue to fight against the odds. I know with him being from Mississippi and me originally being born and raised in Liberty City, it was harder in Mississippi. He brings that perspective to the Legislature and to his leadership. I appreciate him for that. Senator Jones, I look forward to continuing to pray for you and your family and for your aspirations as you move on in your political career. You are clearly a close friend of mine and we have had great conversations, one-on-one together. We exist in the same environment, which is unlikely for many elected officials, because we all have personalities and egos. It has been a round peg in a round hole as it relates to our relationship. I know it has been that way for many in the Senate. You had an opportunity to serve with my mother in the Senate and my mother was able to play a role in your life as your mentor to which you share with me, and I am so glad that God would have it, that you would have the opportunity to return the favor. I looked forward to seeing you carry out these last couple of days. We still have a couple more debates to be back-to-back on. I wish you well in your move on. I thank you for allowing me to make comments.

Senator Klein: Thank you very much Mr. President. For a brief comment about Senator Jones. Everything that the previous speaker said about Senator Jones, I wholeheartedly agree with. But on another note, next to each other, we have many times, walked back and forth. Most importantly, we are close on the floor here too. Probably more than any other Senator, I have walked back to you and asked your opinion on many issues and listened to you as you have reasoned through it. I know you have read it, I see you going home every night with a big stack under your arm, file folders. I know, you will be well prepared. You don't make commitments lightly. You wait until you are ready to make the commitment on the specific issue that we are working on. I value highly, the A, B, and C bills and different types of issues; how they are analyzed, and who is involved; and what is the importance of every matter handled by this Legislature, and the importance of public policy. I also would like to wish you the best in everything that you do in the future. I hope and pray that there will be a place for you at whatever legal level that you can pursue and are interested in so that you can continue to share your good judgment, your fairness, your sense of equality in the system that we live.

Senator Rossin: Senators, many of you may not know, but our rules called for two Pro Tempores. One Pro Tempore of the Senate is named by the majority party and one is the Pro Tempore of the minority party. Senator Jones is Pro Tempore of the minority. The reason that was done is Senator Jones is a natural leader. He has been a leader all of his life. He has been a leader in everything that he has done. He is an outstanding man. He is a great Senator. He believes in this state. He believes in the people that he represents and believes in what he's doing. The one thing that I know about Senator Jones, and I'm honored to call him my friend, is that he tries to do what is right. He always tries to do what is right. He thinks about it, contemplates about it, he prays on it and then he votes or acts in a way that he feels will bring honor to this body, to himself, to his family, to this state. Again I am honored to be his friend. I'm delighted to have served with him these eight years. Thank you, Senator Jones.

Senator Miller: When I first came to the House, Senator Jones had just left the House, and he was a freshman in the Senate and I was a freshman in the House. When he became chairman of the Black Caucus, on tough issues that we had to deal with, immediately, you found that Senator Jones was and is a leader. We all know of him being a pilot, being nominated for Secretary of the Air Force. You really got a chance in the Black Caucus to see leadership skills and how well he puts forth things in the process, and his commitment, not only to this state, but the country. I am very glad to have had the opportunity to work with him in that capacity. I came here and had the opportunity to work with him for the past two years. I told him I'm a member of Kappa Alpha Psi fraternity, in Miami at a Black Caucus retreat. Senator Jones was going to be inducted into the fraternity a couple of years ago; that made him my fraternity brother. I was really, really proud of that for him. Another thing that I'm proud of, his son is hearing great things said about his

dad. When you have your colleagues get up and say great things about you, that lets you know how well respected your dad is. I know you are proud of him, and he is proud of you, no doubt about that. We are going to miss you, whatever your political endeavors hold for you, I know you are going to do well at that. We will miss you, but I know we will see you at another time.

Senator Lawson: Senators, it's truly an honor for me to be able to make brief remarks about Senator Jones. When Senator Jones came to the legislature, he came well-prepared. We said at that particular time when he came, that he was running for Governor. Today it looks like he truly is running for Governor. You know, I had a special liking for Senator Jones from some of the other members from south Florida, because if you notice, Senator Silver and all of the rest of them here that they are talking about today, they are either from New York or Boston, and or someplace like that. That is the reason why we have so many conspiracies coming out of south Florida; Senator Jones just happened to be from west of here, from Mississippi. As we talked about it and I can remember, some of the toughest legislation that I have ever seen Senator Jones and myself involved with was in the issue dealing with Rosewood. We had come to the Florida Legislature, with people having different opinions, and we had to convince them that this was the right thing to do after 80 something years or 70 something years of people who were treated unfairly. He did outstanding work on that legislation. He will always be remembered and will go down in the history books.

Senator Jones had a very challenging experience during the time that I convinced him, according to Senator Holzendorf, to serve as Chair of the Black Caucus. I don't know why Senator Holzendorf accused me of that. He did an outstanding job in getting acquainted with different members and taking on a member's issues. I think most important, ever since I have known him in this process, is the way that he cared about members. Les Miller claimed that Senator Jones punched me when I was in the House because I came over here with an issue. They always remind me of that. But he was the type person, if he had a disagreement with you, before the day was over, he would come in to settle that dispute and let you know that it wasn't anything personal, that he really wants to move on. I always admired his intellect and his ability to really grasp issues, similar to what so many members have stated here. Truly, many people in the State of Florida, as he traveled around the state would call, when he had the opportunity to speak to them because he could clearly explain his issue, and the issue that we were dealing with in the Legislature, in a manner that they could truly understand it.

He will really be missed in this process because of the amount of work that not only he put in the House, but since I have been here, the amount of work that he has put in while he's been in the Senate. I know many of the Senate colleagues that have been over here who worked with him in the Senate will also recognize this attribute. He has always put his family first. I can't think of a time when he did not put his family first. When he finished serving just the other night when the Black Caucus had its gala, the caucus honored Senator Holzendorf and Senator Jones for their outstanding service. One of the things that we gave to Senator Jones, which we think was very appropriate, is that he needed time to rest a little bit, so after his campaign in November, we gave him a few days of vacation at Amelia Island. We figured that we'd make sure that we made it after November so he couldn't go before then. I would tell you that I feel the same way about Senator Jones as I do about my own kids; that he is a very likable person, very serious about the issues. I'm sure that his son, who is with us today, feels very proud that we are saying these things about his father. There has never been an issue that I have had the opportunity to call on him about that he would not get involved with, and I mean, staying late at night or early in the morning. you could always count on him and I appreciate his effort and I'm sure that the people of the State of Florida appreciate all that he has done to make this state a better place for us to live. I can tell you he's not from Boston and he's not from New York, but I am afraid that he's spent so much time in South Florida that he's becoming a part of that conspiracy. Congratulations Senator Jones, I'm going to always remember you and we will always be here for you. Thank you.

Senator Silver: I want you to know the first time I met Daryl was when I was over on the House side. You can see this person has capabilities and qualities of leadership. I know I was very involved in the Council of State Governments at the time. They have a program called Toll Fellows, and that is for persons that have the potential to be great leaders. It is a complete course, and I nominated him for it. He was accepted for it. I mean, I think he was a leader by himself, but they are very selective in who they select. I want you to know Daryl is a great leader. He will instill confidence in you when you see him and I'm proud to know him and to have served with him for all of these years.

Senator Jones: Thank you Mr. President, I'm honored by all of the remarks that everyone made about me today. Senator Meek brought up a couple of things, talked about my resume. I'm sometimes embarrassed by that. I have never accomplished anything by myself. I have always had two things going for me, the grace of God and good people around me like you, because you can't do anything by yourself. I do have to bring up one thing though. At one of the Martin Luther King parades, I had my wife and kids with me in the car. The parade had hit a slow spot. Something had slowed us down. Everything got quiet, and then someone over on the side said, "Hey, Daryl Jones, why don't you call me any more?" I looked around to see who that was. It was probably one of my brightest moments, I said, "Because, you changed your number." I had no idea who that person was. Everybody was quiet right there in the car with me, along with my kids. Yes, that is what I'll always remember when I think about the Martin Luther King parades.

Some great people are leaving the Senate, Senator Ginny Brown-Waite, very savvy and discerning. Senator Locke Burt, very smart guy. Senator Buddy Dyer, smart guy, lawyer, engineer, Gator, still like him. Senator Betty Holzendorf, someone who spent time as a clerk in city government, reads every bill, knows everything about just about every bill, one of the most knowledgeable Senators. I have been on both sides of her, she's been a advocate for me and I have been on the wrong side too. I like being on the good side of Senator Holzendorf like everybody else here. Senator Latvala, who is gruff on the outside and a teddy bear on the inside. He's never yelled at me. I felt like I have kind of missed out. Senator Rossin, who is the master; I can't believe he has been so great in such a short period of time in this process. Senator Silver, passionate senior statesman, a true Hurricanes fan and the guy who has made this process so wonderful for me over the years. I can't tell you what a joy. You think he is good on the mike, I mean, sitting next to him is probably one of the best things about being in this Senate, no doubt about it. Senator Sullivan, one of the firmest supporters of education, and a person who is actually willing to push his party to do what he believes is right; I have a lot of admiration for you for that. Senator McKay, our President, who has received some of the greatest challenges that any state leader has had in recent memory, going back to the election, two special sessions, and probably another reapportionment session, depending on what happens. I don't think we are done here yet for this body and for you and your great leadership that you have exemplified. For the rest of you who are going to be here after we all leave, I look in your faces, and see the future for the State of Florida, and it is good.

I am excited to have been a part of this process. I am proud to have served with each and everyone of you; proud of all of the staff that we have in this process, our committee staffs, staff people who have helped us through this process, and helped us make sure that we are doing the right thing as well. I have learned that even though we disagree on occasion, and sometimes often, about various issues, that every person here really wants to do the right thing. I am so comforted to learn that.

When I was 14 years old, my mother didn't want me to run for political office. I cannot imagine what she saw in me at the age of 14 that made her think I wanted to do that, but she used to talk about how corrupt the process is. The good news is it's not nearly as corrupt as she thought. Most people think, that is the good news. The bad news is, even though people try to do what they think is right, some of us have a diversity of experience, and some of us don't.

We were talking about this at lunch today. Senator Rossin brought up an idea. I used to think that everyone should have two years of military service, until I found out that Russia also did that or does that, and I thought if a communist country is doing it, maybe it's not such a good idea. They forced it, and you can't force patriotism. But we talked about whether it was a good idea today for everybody to go through at least a few months where they couldn't pay their bills so they could understand what poor people are feeling in this state.

I was blessed because when I left the Air Force and went to law school with zero income, my wife was working for one-fourth of what I had been making, and she put me through law school. That was extremely difficult for us financially. That was a blessing, because I used to wonder why everybody couldn't pull themselves up by their bootstraps. There, I was

a law student with multiple offers from multiple law firms and completely paralyzed. I wasn't able to change the plight of my family at that point in time. I thought to myself, I had hope, light at the end of the tunnel. What happened to people that don't have that? We qualified for Head Start. My son, right here, was born without any insurance. We had no health insurance when he was born. It took me six years to pay him off. Of course, I didn't think they wanted to repossess him by the time he was six years old any way. Yeah, the trade-in value had gone down substantially. Those experiences were wonderful for me to have gone through because I will never forget them. That's why you will never see me, if I'm your Governor, throwing people out on the street, because my wife was thrown out on the street and that's why we didn't have insurance. Her company went bankrupt. The reason it went bankrupt is not because it ran out of money. The shareholders decided they weren't making enough money; they wanted to change the assets and move back to another company. I will never do that. I will help people find jobs or place them someplace else. So, Senator Burt, we do talk about some of the same issues that we talked about ten years ago. I'm sure in ten years, this body may be talking about some of the same issues. I will tell you this, and this is the only part that I want to say somewhat political. If I'm your Governor, you will be talking about the same issues in ten years because you will be so excited about solving so many of them, that you will be merely nitpicking them. So, it has really been a real pleasure, an honor, and a privilege to have served with all of you. I love everyone of you. You do a great job. Even when Senator Latvala and I are on direct opposite sides of a reapportionment issue regarding the Congressional map, both of us looked at each other when that debate was over, shook hands and said "Man, you did a great job." I appreciate that. I appreciate the type of attitude in this body that enables us to function and do well for the people of the State of Florida. It is an honor being with you. Thank you.

SENATOR BETTY S. HOLZENDORF

Senator King: Thank you, members. Senator Holzendorf and I were born in the same year, 1939. We are both 62 years of age. Senator Holzendorf graduated with honors from her high school in Jacksonville, one of five other kids. She wanted to go to the University of Florida. She had the grades to go to the University of Florida. The NAACP had chosen her along with others throughout the southeast to break the color barrier in the universities in the south. She was chosen by the NAACP to attend the University of Florida. The University of Florida registrar contacted the family and said, "We can't enroll your daughter because we can't guarantee her safety."

It was at that point that Senator Holzendorf became an activist, a civil rights, in-your-face, grab-you-by-the-lapel, if-you-don't-seat-me-I'll-bust-your-head activist. She learned what it was like to make the kind of changes that have occurred, not only in this state but in this nation, that are the direct result of African-Americans stepping into the fray, saying, "I'm mad as hell, and I'm not going to take it any more." She was an activist in Jacksonville, Florida when it was a long way from being cool. She was an activist in the days of axe handles, sit-ins, arrests, water hoses, school desegregation, and other things so ugly that as you look back now you wonder how a group of people could be so unfair and so ugly to what had always been their neighbors.

She is well educated. After not getting into the University of Florida, she angrily went to Tuskegee. She went to absolutely not one single class, got kicked out in six weeks, came back home and her mother said, "Girl, we are not going to have that." She sent her to Edward Waters College, where she graduated. Subsequent to that, she received two master degrees; taught, stayed a civil rights activist; went to work in city government as a lowly clerk because someone said that we needed to have blacks in our government. She ended up as the aide to one of the greatest redneck mayors that Jacksonville has ever had.

To this day, there are people who, when they go from neighborhood to neighborhood politically, will not go unless Senator Holzendorf is by their side. She's that powerful. She's that well connected. She is that tough. She and I have had a love-hate relationship for the last 20 years. It has been just that. There are times when she has told me that she would be my best friend, and she was. There are other times when she has gone toe-to-toe with me, used language that I mentioned earlier, only my father, a seafarer would have known, and meant every word she used.

It is interesting that she married a man named King, King Holzendorf. In all of the newspapers in Jacksonville, there are all of these articles from Senator Holzendorf, "King and I went out of town together." "King and I had a really wonderful weekend." "King and I just like to be by ourselves." There are constituents that we both have that would swear to you that we have already crossed the color line, we have had a full-blown well-publicized affair for 20 years. She loves her kids and her grandkids. She has raised some wonderful ones. She has one child in security and another child who is a policewoman. She taught and taught well, which was the basis of her love and determination for being the champion of education that she became throughout the years. I can't imagine a chamber, and I have served now in both chambers with her, without Betty Holzendorf. Betty, you have been a tribute to your race, you have been a tribute to your city, and God knows, you have served the people of this state well. You will be sorely missed.

Senator Meek: This has almost been a little too much for me today, having to speak on behalf of two friends of mine. I can tell you, I always call Senator Holzendorf, Senator Holzendorf. I never call her Betty, because I'm just not her equal. Even though I am a Senator, and even though, we punch our buttons and my vote is one and her vote is one, I am nowhere close to her equal.

Senator Holzendorf is like this monumental figure who has come to do battle on behalf of the people. I can tell you that, when I first got here, I asked the Secretary to give me some statistics because I thought it was very important that I knew about the Senate. I wanted to learn about them. I am a big history buff. I studied people like Huey Long, the Governor of Louisiana, the big Kingfish; people like Adam Clayton Powell, Congressman from the northeast, a very dramatic man; and obviously, my mother. I would like to add Senator Betty S. Holzendorf. She is an educator and I am the student. I will always be the student and even when I'm out of the Senate, I will be her student. She knows how to teach, and to study and to prepare. She knows how to debate. She knows how to love and she knows how to come at you when it's time to come at you. She knows how to do that, like I said earlier, she knows her trade well, she's well studied.

You spoke of King, Senator King. God bless King. He is the perfect fit for Senator Holzendorf; they get along well. It is a one-way street and he understands that. He knows his role. I have seen her study. When she calls me, I respond, "Yes, Senator. I don't like this bill, or you need to talk to me about that bill that you are sponsoring, or that Jack Latvala, in his absence, or I'm going to get that Jimmy King." A lot of the issues that she's citing concern these people back in the community. We have this fictitious voter, that we are talking about, Ms. Johnson, she votes. I think she said very appropriately. When I got here, I asked the Secretary of the Senate, just how many African-Americans have had the opportunity to serve in the Senate since statehood. You probably remember that. She came up and said "Senator, you are number 7 out of 992," That means that Senator Holzendorf had to be in the top five to serve since statehood. As it relates to women, she is a double minority. She doesn't walk around saying that. She walks around knowing that, and she believes in her heart if she has to be the one person objecting to an amendment or piece of legislation on this board, she is not lonely because she knows that she stands with those individuals that sent her here to represent them.

I know many times you don't know the softer side of Senator Holzendorf. I spent a lot of time, every moment that I can get, even last night up to 2:00 a.m., eating at her house and talking about the kind of work that we had yesterday and the work that we are facing today. She lives this Legislature, she loves this Florida Senate. The softer side is that she, once again, is a very strong family-committed person. She loves her children. Her children are all grown up and they are all doing well. I mean, they all have their own families; they are productive citizens in our state. She really loves her grandchildren and I know that one of her grandchildren is here today, serving as a page. She loves them and she is a perfect example. She stands as a pearl, not only in her community, but in this state as a great advocate on behalf of children, as a great advocate on behalf of the poor, great advocate of even those individuals who have money. She plays the game of fair play and she knows her skills well.

I won't talk about Senator Holzendorf riding into the sunset, because that is not the case. Senator Holzendorf is the conscience of the Florida Legislature. Many of us think we are that conscientious, but she really is. In the Black Caucus, she has pulled us to the point of the sensibility.

She has said, "Wait a minute now, we are not going to do that. This is what we are going to do." For us to bow down and listen, all of us men, the black males in the room to listen to Senator Holzendorf, it goes to show you how much we care about her, because of her character; it isn't the fact that she is a female, it's because she is a leader.

Senator Holzendorf, I know you are ready for me to sit down along with a few other folks, but let me say this and I'll take my seat. I find serving in the Florida Senate an honor, a pleasure and a blessing. I know that you do too, because you have had it hard. You have had it harder than I can ever imagine. I can walk through doors that you didn't have the opportunity to walk through when you were my age, and I appreciate that. I know the individuals that are around here at night that work for the Sergeant's office or in the state Capitol emptying the garbage or wiping up these floors, they appreciate the Betty S. Holzendorfs of this world. I just want to say that firmly, not only I but other people who are here standing on your shoulders, that we continue to wish you well as you continue to move on and carry out the kind of leadership that I know that you can provide. I'm talking about not only from a physical standpoint but from a spiritual standpoint. I'm not a Bible-toting Christian. I will tell you this much, I do know that a few people come once or twice in a lifetime. Senator Holzendorf is one of those people. I tell you this, Mr. President, there's no greater honor that I have had in the Florida Senate than to be able to talk about a great person like Senator Betty S. Holzendorf; not just because she is a member of the Florida Caucus of the Black State Legislators. I have had the opportunity to serve with a lady that I can tell my children and grandchildren about that once served in the Florida Senate, who was a great woman and led this state and who played the role that she could play and worked with what she had to work with. And she did it well. Thank you, Mr. President. I thank you for allowing me to have the opportunity to make brief comments.

Senator Miller: I'm talking about feeling the wrath of Senator Betty Holzendorf. As late as this morning, I felt that wrath. I had an amendment on a bill a few moments ago, before we took the break. I explained the amendment and obviously it wasn't to the liking of Senator Holzendorf. I looked up and there she was in my face. I said a few words about that amendment. I thought it was over. Thirty minutes later, I felt a sharp pain in my side, and I still have that the sharp pain in my side, that is the wrath of Senator Holzendorf.

A couple of weeks ago, I was over to her apartment. When Senator Holzendorf gets mad, she cooks. Last night, she cooked us some food. If you missed it, it was in your office today. She told me, she said, "Les, you have got to learn education issues." We have heard today about how she feels from herself, and about how she feels from others, about education issues. Senator Holzendorf, I guarantee you that as long as I'm in this Florida Senate, I will not let you down. I promise to fight as hard as I can for education. Just as the Senator from the 22nd, as long as I'm here, I'll continue to work hard for the funding of education, because you allowed me to do that. I'll be brief, Mr. President. Last night, I called Senator Holzendorf; this morning she said, "I thank you for calling me to talk to me." Senator Holzendorf, I called you because I love you.

Senator Smith: Thank you Mr. President. I have to tell you that I have, unlike anybody else here, had the opportunity to face some of the toughest criminals in Florida. I have been to Florida State Prison. I have faced people doing double, life sentences. I faced the toughest defense lawyers that you can put in a courtroom. Nobody intimidates me, but Betty Holzendorf scares me to death. When I announced to Mr. President that I was going to seek a Senate seat and leave the State Attorney's office, I got word through the back channels, and, you know how reliable those are, that I needed to see Senator Holzendorf. Now I need to put this in a context that you can appreciate. I was running against an African-American female from Gainesville, who was a long-time member of the House. It was assumed by everyone in the community that I was going to have to take on not only that opponent but the likely endorsement of Senator Holzendorf, which carries, as Senator King knows, unbelievable weight in Palatka, Florida. There are places in Palatka as well as Jacksonville, it doesn't matter where you are on the issues, it is where you are with Betty.

I came up to see her. I didn't know her. I put on my suit and got my tie straight and I got so nervous. But sometimes when we walk in, we look particularly nervous to them. I walked in like this; I was there for my appointment with Senator Holzendorf. She walked out of her office and she came through the door. The last person that I saw walk like that was Tina Turner. I have tried since last night to think how I would handle this conversation. There is the unexpurgated version, but I can't tell that. So I'll try to do it as it'll be on television. "I only have bleep, bleep, bleep, bleep minutes. Are you going to bleep, bleep, bleep, bleep her bleep?" I said, "Yes, ma'am." "Then I'm going to bleep, bleep, bleeping support you and if you leave the Democratic Party, you are bleeped." That's the way I remember the conversation. I remember my response to her time and time again was the following, "Yes, ma'am. Yes, ma'am." As I left, it was "Yes, ma'am."

I wanted to tell you that she is a great advocate; people absolutely trust her; what she has done in a lifetime, you can't do in a speech. What she has accomplished in a community, you cannot get in the press. They know her. They trust her. They love her. She is the bellwether against which your issues will be judged. I almost never agree with her. She is almost always just like my wife on the issues. So I told her, my wife doesn't come up here, so I have Betty as sort of a surrogate in two ways; number one, I never agree with her issues, which, of course means I'm wrong. Number two, she chews my butt endlessly about it. Now, I have seen people who have the audacity to come in and get in your face to let you know and to use the bleeping language, but I want you to know in Senator Holzendorf's case, she uses a medium. She comes over and she talks to Senator Lawson. She cusses through Senator Lawson to me. I am actually there in the third person receiving; I am not worthy of direct confrontation.

She is loved because she loves people. You can't ever fool folks about that. I am reminded of the great statement, "We shall not see her like again." Senator King says that there is a King in the Holzendorf family. Years from now when I'm saying goodbye, and depending on how her support is, that may actually be next year, but years from now when I'm saying goodbye, I know I will always remember the Queen of this Senate.

SENATOR ROSSIN PRESIDING

Senator Lawson: I have heard great things said here, by Senator King and everybody. I know I can't say very much, but the Senator from the 5th is very good. The other day, Senator Holzendorf was talking to the Senator from the 5th about me, standing right in front of this desk. She wouldn't even look at me, but I knew what that meant. She was accusing him of corrupting me on some issues, you know, because he is a former State Attorney.

I would like to say that I know that life hadn't been a "crystal stair" from where Betty came from. What's so incredible is to be raised as Betty was raised during segregation, and to be confronted with all of the issues that affected her family, and to be able to rise up to truly an outstanding community leader in education and to educate herself. Many people really don't understand what that means. When I came in 1982, and then Betty came shortly thereafter, I told Betty, "We are going to have to do some things about FAMU. There are buildings that are boarded up and leaking. Things are in disrepair." She said, "Big fellow, when do we go to work?" From that point on until now, I don't know of a better advocate and person who was willing to fight. I think, they quoted me in the *Florida Times Union* as saying, "If I was in an alley, and we were having hard times the way we do in big cities, and Betty told me, 'I'm covering the other end,' I would not have to look back." I would have to hold up my bargain. She definitely would have the other side covered. She would come to me and say all kinds of things about Jim King. "We need to get him." "You know, he's no good." The next day, I would see her hugging Jim King. I said, "Betty, I thought that sucker wasn't any good and stuff." She said, "Well, that's yesterday. He is doing pretty good today."

That is the kind of person that Betty is about. During some very trying times, very difficult times for me, when everyone was turning their backs on me, I was being sued by everybody that you can think of, from Dollar-Rent-A-Car Company, everyone that I can think of, it was Betty who hung in there with me. One day, she sent me a check. One day, I remember Senator Pruitt sent me a check too, but it wasn't that big. She sent me a check with no strings attached and said, "This is to help you with your legal costs." I said, "Betty you—" She said, "Yeah, I have got to do it. I understand what you are doing, I understand what happened to you." Those are very good friends. I know that he might be up there someplace, but if Doug Jamerson was here, and the three of us were inseparable, if he was here up there in the gallery, if he was not here on the floor, this would be a moment that it would be hard for him to take because he was so close to our families and so close to us. Her family was like our families. There isn't anything that I wouldn't do for her.

I remember a big guy like me, Betty making me get on my knees, about an issue that happened down in Palm Beach, I won't go into the issue, but I was really kind of playing around taking the other side and it offended women. I didn't know that, until she hit me. I literally fell on my knees, because I guess she understands that street stuff. She was able to trip me so that I lost control in the House. I fell on my knees. I learned at that point I needed to have a little more respect. It was through Betty that I learned that. Often times, when issues were going badly, Doug and I used to accuse Betty of having a switchblade knife. When she was upset with members in the House, we would say, "You see Betty over there, you know, that was a switchblade knife."

On a more serious note, I will really miss her. I thank God for her and her family. I thank God for giving her the opportunity to serve the State of Florida. I thank God for giving me the opportunity to know Senator Holzendorf.

Senator Wasserman Schultz: Well, unlike the Senator from the 5th, I have found myself agreeing with Senator Holzendorf on everything, just about. Maybe not some of that insurance stuff, but just about everything. I'm going to be brief, but I told this story to a couple of my friends in the chamber over the last year and I want to tell it to you again because I think it epitomizes how we all feel about Senator Holzendorf and the respect that we have for her.

Quite honestly, until about the last week of session last year, I was sure that Betty Holzendorf didn't know I was alive, didn't know I existed, didn't give me the time of day, and didn't say two words to me. I'm not exaggerating, I would walk by her in the hall, I would move around the chamber, no conversation. We went through committee meetings. We sat on a couple of the same committees. I couldn't quite figure out what it was that I had done to make Betty Holzendorf basically treat me like a piece of dust on the ground. That was intriguing. It made me wonder, I mean, I didn't spend my life agonizing over it, but it was definitely something that made me scratch my head. Eventually I accepted it. It was a fact of life. I was probably never going to get a chance to have a relationship with Betty Holzendorf. That wasn't okay with me, but that was the way it was. Well, as I am want to do, I stood on the floor last year, tilting my latest windmill, stood basically by myself on an amendment, not basically by myself, but really by myself. It was me against all of you. Why should that day be different from any other? But I persevered, and lost valiantly, and sat down in my chair and we moved on.

Betty Holzendorf walked across the chamber. I was sitting here sulking a little bit with my tail between my legs. Betty came back to my chair in the Senate. I don't know whether she remembers this or not, but she paid me the highest compliment that honestly I have ever received the whole time, really, in my life. She said to me, "You know, I have been worried about leaving here. I wondered who was going to be around to pick up where I was going to leave off. I just want to tell you, knowing that you are going to be here," (and I am not telling you this to toot my own horn, it was amazing given what I have just told you) "knowing that you are going to be here Debbie, I am not worried anymore." I just couldn't have received a higher compliment. It was pretty neat to know that Betty Holzendorf knew that I was alive. To the degree that any of us can pick up her mantle and march down the street the way she has, I will never be able to do her legacy justice, but I had to share that with you. It was one of the neatest things that ever happened to me. Thank you, we will miss you, Betty.

Senator Rossin: Thank you Senator. Senators, I would like to make one remark myself, I don't know any higher compliment than to tell you that all of us in this chamber, including myself, are better for having known Betty Holzendorf.

THE PRESIDENT PRESIDING

Senator Holzendorf: I am going to be brief. You have eulogized me two or three times. I keep looking back at the back to see if anybody is bringing the casket in. I love doing what I do. I did not come to Tallahassee to get a life. I came here to do a job and I have tried to do it well. But I couldn't do that job without 20 or more of you. So, whatever good job I have done, there are 20 or more people in this chamber that helped me get that done. I don't take credit for that lightly and I don't take friendships lightly.

My friends are my friends. They are my permanent friends. My friends don't have to agree with me. I don't have to agree with them. Once I develop a friendship with a person, it is a lifetime friendship. I don't do it easily. That's probably what you all take for being in-your-face because I'm not the kind of person that establishes relationships well.

Debbie, I remember you from the Insurance Committee; we were trying to get the academy funded. You were there and you were very talkative and very young. I remember that quite well. You did not prevail then either. I know what some people think about me and Senator Latvala. I get along well with him. I don't feel comfortable if he's not yelling, screaming or cussing. That's what I am always doing. So, when he does that and I do that, we understand each other. We know what I agree on and what he agrees on and that's our style.

I don't have the right to change your style. You don't have the right to change mine. I love people, I always have. But I have a life. I have a family. I have a home. I have friends and organizations. I have things that I do. I did them before I got here. I am going to do them after I leave. But am I going to miss you all? You better believe that, I will miss all of this. I believe, like all people believe, that there is a time to go. There is a time to move aside and give someone else opportunities.

Don't believe your press. You know not to believe the press up there. But don't believe your own press that tells you that this body will not function without you, because it will. Don't believe that this state will not be better off because you are not here, because it will. There are millions of people out there that would love to serve and would serve well. We just happen to have been chosen. You ought to just say, "Thank God, I was" and "Thank God, I was able to make a difference," no matter how small it was or no matter how important you know it was to the press or to the business community or the special interest groups or the grassroots people or whomever. When you are doing things, everybody is not going to be satisfied. If I don't leave any other legacy with any of you here, if you can look in the mirror and the person looking back feels okay about you, then everybody around you is going to feel okay about you, too.

My mother told me and she's always given me this wisdom, I wish she had written a book, but she said to me, "You have got to tell people who you are. If you have got to tell people what you are about, if you have got to tell people that you are a Christian, that means that you are not living the life, because if you were, they would know it. You won't have to explain it to them. Don't go out telling people you are black. Don't go out telling people you are a civil rights person. Go out and do it and they will tell you." Thank you.

SENATOR RONALD A. SILVER

Senator Latvala: Thank you, Mr. President. The Senator wants to remind me that his children, his grandchildren and his wife are here. I want to remind all of you of that fact when you make your remarks. It is my great honor to speak this afternoon on behalf of three of my colleagues. I guess the biggest honor is sometimes, I wonder, whether how many friends I have or if I have any friends. To have three of them ask me to speak for them this morning is a great honor. The greatest honor is to speak for my friend from the 38th.

Like other colleagues, my first connection with Senator Silver was a direct connection. It had to do with political mail. The direct mail that I had in connection with Senator Silver was in the primary for his 1992 race. I did the mail for his opponent as a special request from one of our Republican members up here who was counting votes in a presidential race, I think, at that point in time. Several years after getting to know Ron, I finally one night owned up to that fact. "You remember that piece of mail that went out, I'm sorry. I apologize." He has forgiven me. We have become great friends.

I think that Ron Silver, as much as anyone in this chamber, personifies what I will always remember about the Florida Senate and what I will always think of when I think of being a Senator. I think, as the last two or three of you that have never served in the House leave, it'll be mostly folks that have come from the House; mostly folks that have come from a little different background, with regard to partisanship and with regard to some of the kinds of ways that the House does business. Ron Silver typically identifies to me how a Florida State Senator should operate in conjunction with his colleagues. That is, when you have something that is important to you, that is important to your constituency, that is important to you personally, and Ron Silver can help you do it,

he has always done it. Whether it is just one more little project in the social service appropriations, whether it is just a little help, a little extra help when you need it on the floor and you get in trouble with an amendment that deals with something that is important to you or even sometimes when it's just a little less effort on an amendment. He will do a bill for you that is important to you. Ron Silver comes through, and has always come through. But by the same token, Ron Silver looks for that kind of help from his colleagues. I think that if there's not another lesson learned in the Florida Senate, it is the camaraderie and collegiality and the need to take care of each other in this body, to take care of and to be acknowledged, and to appreciate the priorities that each and every member of this chamber brings when we come to Tallahassee and try to help each and every member achieve their goals and achieve their objectives. I think Ron Silver, more than anyone else that I have dealt with up here in this process, has helped me do that. Ron has been around a long time, longer than any of us. This is his 24th year in this process. Not too many weeks ago, I had the opportunity to have dinner with the former Speaker of the House, Jon Mills, who was the Speaker of the House when Ron was the Majority Leader in the House. Jon said that, without a shadow of a doubt, Ron Silver was the best Democratic Majority Leader that the House of Representatives has ever had. I won't tell any stories that Speaker Mills recalled. But one of Ron's important responsibilities was party planning. Ron and I have spent a great deal of time together. We have traveled together to the conferences and to conventions of the legislative body. We have laughed together. We have cried together. We have consoled each other, as he mentioned this morning. When one or the other of us storms out of the chamber mad at the world, usually the other one is not far behind to try to make peace and to try to right the wrong that's been conducted on one of us. I think you know all of Ron's qualities. He is so good natured on most occasions. He doesn't take himself all that seriously. He has the same kind of ego all the rest of us have, but he knows how to put it aside to help someone else have a good time, help someone else enjoy a special occasion, like when our former President turned 50.

He's passionate about the people whom he is here to serve, whether it is the medically needy or the developmentally disabled or healthy kids or the elderly or those with Alzheimer's. Ron Silver has been here to advocate for them and to take care of this process and to see that their needs are met. He's always courteous to a colleague. We are going to miss you, Ron. But we are not going to miss you nearly as much as Ronnie Book is going to miss you, and Barry Horenbein and Bob Levy and Mike Abrams are going to miss you, and Gene McGee is going to miss you, and all of those important folks out on the fourth floor rotunda. You have also been a very important part of their lives in helping them make a success of themselves, because that's the way you are in helping other people, whether they are in this chamber or out in the hall or down in their homes in the farthest parts of our state, in the poorest, most down-trodden areas. You are a guy who has fought for them and helped them. And I most appreciate it. We love you.

Senator King: Thank you. Members, in 1986 when I was first elected, Ron Silver was my Majority Leader. I still remember sitting in the House chamber with Ron Silver up on a podium telling that class what our obligations were. I remember many of the things that he said. The one that I remember the most was that up here, the most important thing you bring is your word. When you give it, don't give it lightly. When you give it, give it irrevocably. If you have to change, make sure that the person that you gave it to understands why. I sat here and said, "I don't know a thing about politics. I have never run for political office. I know, smoking mirrors; they didn't know who I was and they said let's send him somewhere else."

I was in the House. He was my Majority Leader. I said, "I'm going to like this guy." Fortunately for me, he liked me back. Part of that reason is because we shared a lot of things together. We have similar personalities. We love to go to chapel together. We frequent coffee houses where we can be intellectually sound with other people of our ilk. We travel to places where we can do the most good for the most people. We share a common love of sporting events and frequent them or go to places where other people frequent them. I have learned a great deal even in that regard. Ron Silver, this is a true story, has taught me how to play baccarat and has also by doing so, taught me how to lose gracefully. One of your children, I fully educated on just the losses I had to pay him for the University of Miami versus FSU games. Fortunately for me, Joel is up there taking pictures. Fortunately for me, and almost as kind of a sideline to my financially supporting him through school, was that Joel chose Florida State University to attend and became probably one of the most adamant and ardent FSU Seminoles that has ever lived.

I am reminded, Ron, of so many things that we have done together. Because you would probably be reminded of those same things, we are not going to talk about many of those. Suffice it to say that there comes a time when Ron and I are out sampling adult beverages, to make sure that everybody is all right, that we reach a point of invisibility. Yes, yes, I can attest to the fact that there comes a time when we are in fact invisible to anybody around us and we are free to do those things that we think will be the most cute. Sometimes we have seen the results of that invisibility in the newspapers the next day. Many times our wives have reminded us about our definition of cute and their definition of cute. Throughout his entire political life he has mixed humor, intellect, and the ability to debate on anything. Just as an aside, in the House, back in the old days, when things got boring, we would have a member, just choose arbitrarily in the calendar, a subject. He held up his finger on an issue. Ron and I would flip a coin to determine which side of the issue we would take. We would get up. We would have debate; often times neither one of us had any remote idea what the subject was. I would try to convince the body that we did. I never ever won because Ron had this picture of himself—you have seen it, he puffs up like a puff adder, he gets even bigger than big and then he gets that thin-lipped white-knuckled look about him. He throws the microphone. When he did that I lost every time. I sure wasn't going to say another solid word with him on that stage.

He is a friend. We have had times together when we have lost parents and loved ones. We have shared moments of sadness. We have consoled each other, counseled each other. We have gotten to the point that we can almost anticipate, this is kind of scary, we can almost anticipate what the other is going to do. A lot of times we can stop each other from doing it; not all of the time.

You leave a legacy of protecting your district, of looking after people who have depended upon you for 24 years, and have never been disappointed. There is a level of integrity that says, no matter what other people say, if I think it's right, I'll do it and fight for it forever. You also leave giant shoes for those of us who will never be able to serve 24 years because of term limits. You leave giant shoes of what public service should really mean. You are the embodiment of public service. I only wish that the members who come after us could somehow be infected by your verve and your vigor and somehow see some of the antics that you were famous for, and some of the gaffes that you made, and some of the heartfelt, almost tearful presentations that were vintage Silver.

My friend, you and I did this a couple of days ago, so I'm not going to cry this time. You meant more to me than anything else in politics. You took me on as a friend. You never deserted me. You were there every time I needed you. What I have become, if anything, is a recognition of the trust you had in me. Thank you, Ron. God bless you.

Senator Villalobos: I will be very short and brief. Now that Senator King has let the world know how democracy really works, maybe the Russians can become a great country, too, now that you have given up our secrets. My first real dealings with the great Senator Silver, I was Appropriations chairman for the House and Senator Silver was my counterpart. I really learned what negotiating was all about. When he believes in something, you can have no greater advocate on your side than Senator Silver. I realized that when I came over to the Senate for the first time. I had never sat on a conference committee before. I ended up chairing one. I came to the Senate. Senator Silver said, "Here is the offer. You can take it or leave it. You go to the House and do whatever you are going to do and come back in a few hours." I said, "Okay." What I did was go over to the area between the old and new Capitols. I started playing frisbee with George Crady and within a few minutes the Capitol Police showed up. I know Senator Silver swears he had nothing to do with it, but I'm certain that Senator Silver sent him to talk to me, because they told me that I was going to be arrested for playing frisbee between the Capitols. They had me convinced, and all of the people from the Attorney General's office were sitting up and they almost pulled it off until I reminded them Wackenhut was putting in a bid for security for the Capitol and then it kind of went away. Senator Silver, whenever you come and walk down the hallway or whenever you come in the committee, I always stand up and move out of the way, and Senator Silver that isn't because there's no more room when you go through the hallway it is because I really and truly respect you and so does everybody here and you really deserve that respect. A reporter asked me the other day, "What is the Senate going to be like, you are losing a great member, this institution is losing a great member." This is all I had to say Ron, "Senator Silver is the institution, we are the ones that are losing." Ron, we all love you very much and the best to you and your family.

Senator Saunders: Thank you, Mr. President. I have had the privilege of spending more time with Senator Silver than with anybody else in the chamber. Senator Silver is my chairman on Health and Human Services Appropriations. He was always able to get the money for people who really needed help. He had a real knack for, I assume meeting with the Senate President, meeting with whoever needed to be met with. He always got the lion's share of new and available money for people in this state that really needed someone like Senator Silver looking out for them. One thing that Senator Silver did was to make listening to him fun for people. No one ever knew what was going to come out of his mouth. I remember one day, he made a statement about abolishing the Department of Elder Affairs. It certainly got everybody's attention. I can assure you that he is a wonderful man, someone we have thoroughly enjoyed serving with, who cares about the unfortunate. You will be sorely missed. I have one regret, one regret that I left that party 15 minutes before Senator Silver jumped out of that cake. That's one thing that I will never have the opportunity to see again, except for the videos that I understand are on sale. Thank you, Senator Silver.

Senator Sullivan: Ron, there was never anyone who has made me laugh so much that I took so seriously. It was great being with you.

Senator Campbell: First, I have a question. I was going to make some comments. I was in the back and the Senator came back and said, "You had better not." So I won't. I want you all to think about this now. Campbell, Clary, Cowin, myself, and Klein—which one of us is going to become the Dean of the Senate, now that you have left? That's pretty scary, when you think about the fact that we have all been here really only six years. With all of the folks who are leaving this body, you are going to leave it to one of us. Do you get a chance to make that designation, or do we all find out who won by the most votes? Flip a coin. Mr. President, I would like to have a coin flipping contest sometime after the session ends. Senator Silver, we want to thank you for the many, happy times that you gave us. I'm not going to tell any of the stories, but I do remember the day that you came out of that cake. I was there. It was a pretty sight.

Senator Brown-Waite: Thank you very much. I want to further discuss the many wonderful characteristics of Senator Silver. When I first met Senator Silver, it was on a bill that I had. The bill was about lowering the blood alcohol level for those under the age of 21. I remember presenting the bill. I remember it like it was yesterday. Senator Silver got very angry and stomped out of the room. I thought I had offended him until I talked to one of the other Senators, and they said he does that every time he doesn't want to take a vote or actually vote on the bill.

Senator Silver and I have worked on many issues relating to health and human services. I have always enjoyed his candor and humor. I don't know if any of you know that his secret negotiating power when he's dealing with female members of the House is that he distracts them by taking off his shirt. Virtually, at that point, he has them so that they will do anything to get away from him. Senator Silver, I still have at home the picture when we were standing there and I introduced a bill for a special license plate with you jumping out of the cake. I remember last session when you weren't feeling well. I took advantage of you. I wanted your wife to know that I took advantage of her husband. Because antibiotics can make you sleepy, he was in the back, not feeling well and he closed his eyes for a short time. I called to my office and said, "Get the brightest nail polish that you have there." When he woke up, he thought his hands were bleeding. I thought that he would never forgive me for that. Once again, in typical Ron Silver fashion, he was very jovial.

I know the joy that he has with his grandchildren, lovely family, daughters and his lovely wife. I know that Senator Silver will always remain indelibly on our minds for the many things that he's done for his area and for the entire State of Florida. Thank you very much. We are going to miss you.

Senator Webster: Thank you, Mr. President. I have known Senator Silver for 22 years. I have not known him socially. We have probably followed a different path. But I will tell you that I have known him professionally, and as a legislator. I don't know that there would have been anyone better than him because he's a person who can mix humor with a serious attitude about why we are up here, and can lighten it up at the right time, yet become serious at the right time. In my opinion, I think Senator Latvala was right. I have never seen a Majority Leader, and a Democratic Majority Leader that was better at it, and I have told him that, better than Senator Silver in the House. Just with a thumb up or down, he was the best. He could control a whole body. I have never seen anyone that can work the floor better than that in that position. He's had other positions. In each one, he molded himself to the position, and the position became him. It doesn't matter; he did an excellent job; not only an excellent job, but probably the best job that could have been done. Whether we had money or we didn't as Appropriations chair, he was still able to balance the needs of everybody here; knowing that it wasn't just his constituents or his district, but it was everybody's district.

He took upon himself the weight of every district. I appreciate it. There's never a time that I haven't gone to him and he didn't helped me. I really appreciate it. So, thank you for serving these 24 years. Thank you for allowing me to know you as a great Senator and House member.

Senator Sanderson: I have been in the Legislature for 20 years now. I remember that Joel used to run by me, when he was working as a page and as a messenger in the House, and he would grab some jelly beans and off he would go again. I have had the opportunity to work with a very special young man, who is sensitive, has a wonderful sense of humor. It'll be the most serious time. If you got that giggle going at conference or anything else, where we have been on opposite sides of the conference. I have chaired the committee, but we always worked it out. It was never pleasant; he might put on a little trash. We knew he was not going to be mean or vindictive. He's not; he is a very special person. I think his family knows that better than anybody else. As you watch him with the baby here today, that is the real Ron Silver. I think we are fortunate to have served with him. I appreciate the service that you have given to this state because I know, maybe better than anybody, how much you have given.

Senator Jones: The first time I met Ron Silver, was around 1983. I was in the Air Force and coming back from a TDY (temporary duty). I was in uniform, standing out there waiting on my wife to come pick me up, like I do sometimes now. While standing there, I heard this rumble going on. There were people whispering. The whisper got louder and louder. I kept hearing over and over again, "That is Ron Silver. That is Representative Ron Silver." I'm looking around. I see this guy standing up there looking, you know, real up and excited. He was just a warm personality. People were coming up to him all over the place, to try to reach him and shake hands with him, and just to make their presence known. I knew at that point in time I might run for office, too, one day. I wanted to get close to him too, so I started easing over just a little bit. As soon as I got close and there was a moment of silence, people were trying to get next to you and talk to you, I reached over and said, "Hi, Representative Silver, my name is Daryl Jones. I am a Captain in the Air Force. I might run for office one day." He looked at me and said, "Okay." He said, "Well, I wish you a lot of luck." I appreciated that.

So I watched him for the next ten minutes while we were waiting there and just tried to draw as much as I could from him in an effort to figure out what it was that made people, like him, successful in what they do. It seems kind of interesting to me, that the first time I met him, and spending so much time next to him, I have spent my entire Senatorial career next to Ron Silver. I have had the opportunity to draw from him the entire time and know the kind of things that make people like him successful. I hope that you don't mind that I have pulled a lot of information, and a lot of, to the best of my ability, your skills over to me so that I could do better in the job that I am trying to do here, as well for the people in the State of Florida. Irene, I want to thank you for sharing him with all of us and with the State of Florida. He has been a tremendous asset for this state. You are wonderful for giving us and the State of Florida so much of him for the last 24 years. Thank you, very much.

Senator Holzendorf: I'm going to be brief. I came to the Legislature in 1988. I was in a special election. We had three weeks left in the whole session. Ron Silver didn't know it at the time, but he was a teacher. He was the Majority Leader. I had never experienced anything in my life like the House of Representatives. Nobody was listening to anybody. People would be up talking about bills. You were trying to decide what you were going to vote on. I was totally confused the first week. I think that was the week the budget came to the floor. Ron sat two rows in front of me. He never failed. He was the Majority Floor Leader, I guess, I don't remember the titles from that time. He never failed to come back to my desk and to help me understand what the majority position was, and why there was a majority position.

Senator King, you talk about the me-getting-in-your-face kind of debating. I would be mesmerized by the debate of Ron Silver when he took

an issue up on the floor. It didn't matter what the issue was, you went ahead and voted for it because he was so passionate about how he debated and what he debated. I was so thrilled to know that we were going to serve in the Senate together. Then Ron stopped teaching, and started serving as a Senator. I don't know Ron if you know how much it meant to those of us in 1988 when we came to the House of Representatives, how much it meant having you as the Floor Leader to guide us through the list of priorities of leadership and why we should do it.

I have to tell you one joke. When Lawton Chiles was elected, Ron told us he was Chiles' son in the House and the Governor's Mansion. All of a sudden he fell out, or they fell out with him, we don't know, but we kept running to Ron about our issues with the Governor. He finally turned around and looked at us one day and said, "You better see somebody else. I'm no longer doing that." It was fun over there. I enjoyed it. I looked forward to that and was proud to serve that time and learned a lot just in the process of watching how he dealt with his committee, how he dealt on the floor, and how he met with issues when we had the Democratic caucus and he would explain to us what was going to be happening in the upcoming week and, remember, I only had three weeks to get that lesson. Thank you.

Senator Garcia: I'm going to be extremely brief, Senator from the 38th, all I'm going to say is you are really a funny guy. You are a true statesman. You are a true friend. You are one of the best leaders that I have ever seen in my 17 years in this process. The delegation will miss you severely, Mr. Dean. I just don't know what this process is going to be without you. I fear for some of us without your sense of humor and without your sense of direction and without your leadership. We won't ever forget you. Thank you for everything that you have done for us.

Senator Meek: I want to be really quick. I am the chair of the Dade Delegation. Many times, when we have delegation meetings, some members think that they are too important to come. I'll tell you that Senator Silver always shows up to our delegation meetings. I'll truly say, being from Dade County, he is one of the last Mohicans to be on the delegation from the old delegation, and Ron plays a leadership role. Senators, I want to tell you, it is entertaining to be sitting next to this man, hearing all of you come up and ask for different things, and then hearing the comments as you are walking up. It is entertaining. I know how he feels about some of you. This man is a riot, I'm telling you. I have only been sitting here four years, and I know when he's getting ready to explode. When you find yourself debating, and he's there saying, "All right. Okay. Okay." Then he sits here with his mike pointing down. Then he starts to push his chair back, and he gets into this linebacker position. You can see his sleeves, he just starts, and he gets leverage like he's about to push off and run. He is the most intense "Gator" that I have ever seen. He still has the same vigor that he had, I'm pretty sure, as a freshman legislator fighting on issues.

One last story. I was in debate one time and Senate President Toni Jennings was there. It was one of those Meek amendments, or what have you, and I was debating. I found myself going down. Ron said, "Buddy, don't worry about it." Then he said, "Madam President," and she replied "Senator Silver, you are recognized." He said, "I would like to oppose Senator Meek's amendment." I said, "Ron, what are you doing?" He said, "Listen, I'm trying to score points with the President. You are going down man."

You know, from the Dade Delegation, we love and respect you, and appreciate the service that you provided. You made our jobs a lot easier. Thank you, Senator.

Senator Geller: I thought we had invoked the rule requiring that every Senator comment on Senator Silver. I was not going to speak. I was trying to keep this brief and pass some bills. I thought I would make brief comments. I have served in the Legislature for fourteen years, and 8 of those 14 years, either in the House or Senate, Senator Silver and I have had adjacent districts or constituencies. We have heard of his humor and passion. I want to tell you two stories on each one of them.

On the humor, there was a session, I don't recall which one it was, 8 or 10 years ago. On the last night of the session, we went to the Silver Slipper with a number of people to have dinner, at probably 10:00 or 11:00 at night. Many of the other legislators were making fun because I check in with my wife every evening. Senator Silver decides he's going to have fun. I believe it was Representative Tobin's phone I called her with. Senator Silver takes the phone and says to my wife, "Hello, Mrs. Geller. This is the Governor's Office. We just want to let you know that session has been extended and Representative Geller will have to be here another several days. My wife said, "Well hello, Ron. How are you?" That deep booming voice is not one that can be easily disguised.

There's one other story that exemplifies the passion that Senator Silver has. Senator Silver and I have both been involved in the pari-mutuel industry. In 1996, we passed the first major pari-mutuel legislation in a long time. I was the House chair and Senator Roberto Casas was the Senate chair. Gulf Stream Race Track was in my Senate district, Hialeah Race Track was in his Senate district; Caulder Race Track didn't have either of the chairs there, although it does happen to be in Senator Silver's district. So I had come over and we had just completed a deal wherein Gulf Stream was happy, Hialeah was happy and Caulder was not particularly happy that we were making them send the signal. Senator Silver, in his very quiet, calm, laid-back fashion, grabs me by my lapels and pushes me up against the wall. I'm not a small guy, but he lifts me onto my toes in a brief conversation in which he informs me that he did not particularly appreciate that I was not making Caulder as happy. I was appreciative that he was having this quiet, calm discussion at the conclusion of which, he asked Senator Scott to have me removed from the chamber, which by the way occurred. Thank you, Ron. You've all heard how he shows this rare combination of humor and passion. Senator, it has been a privilege to serve with you and represent essentially the same constituency. We have the same issues; condominiums; lottery, and pari-mutuels. We will miss you.

Senator Silver: Thank you so much for finally getting to me. At the beginning of the ceremony, I was thinking of moving to waive the rules and asking for no comments to be made, and then I could just make my remarks. That may have been better, because now I have some explaining to do. This is the end of an era for me and the beginning of a new life. It is not often that people get to do that which they set out early in life to do. I started in my—and this is what this is all about, this is not about me, this is about my grandmother and my grandfather and my mother. Because you know, you just don't get here without some guidance early on. You don't get here without some home training. It is important. My family, my grandfather especially, started me early on in politics. When I was nine years old, I participated in my first campaign. This might come as a surprise to some, but the first campaign that I ever worked on as a nine-year old was the Eisenhower/Nixon campaign because my grandfather was a Republican. I addressed envelopes, put up signs, tore down signs; the type of stuff nine-year olds do in campaigns.

We moved down to Boston when I was 14 years old. When I moved to Miami-Dade County, we looked for some Republicans, and well, I don't think there were any. I couldn't find any, and if there were any, they were sort of hidden. I didn't know what a Republican was until I got up here in 1978. I started hanging out at the city of North Beach's commission meetings. That was a nonpartisan thing to do for Democrats, at the time, and the Republican party of Massachusetts is a little different than maybe the Republican party is nationally. I am trying to be gracious. It was a little different back then, during the time of Leverett Saltonstall and Henry Cabot Lodge, you know those folks, real Democrats. The bottom line is, that's where I got my start. I moved to North Miami Beach, got into politics, went to law school, became a prosecuting attorney, and a municipal judge. I was always involved with public policy and the Junior Chamber of Commerce. I worked my way up, got to do a lot of great things there with the Jaycees and got to know a lot of people.

I ran for the House in 1972. There were three people in my race and I finished third, but I remember that well, because my accountant asked me, "Where are you going to get the money?" I said, "I'm not going to ask my friends for any money." And he said, "Where are you going to get the money?" I told him that the Jaycees would help me put up signs. We actually got the most votes per capita at that time. The moral to that story is, and this is critical to young people coming up, that I learned from many people. Glen Turner gave a speech to the Jaycees once. Glen was a motivator. He was a lot of things, but he was especially a motivator. One lesson from his speech that I have always adhered to, and is especially important now, is that you have to be careful going up the ladder with the people that you meet and see. Because some day you are going to be coming down the ladder. You are not going to be at the top, and the same people that you saw going up the ladder, you are going to see coming down the ladder. You have to treat people with respect. This process, this institution, is about people, not about anything else. It is about people working together with people. You know, people talk about political parties, and I am a student of government to a certain extent.

Political parties are necessary. I have an old adage here that I want to read you, and I think it sums it all up, what role the parties play in our process here. We have tremendous campaigns and go through the partisan rancor before the campaigns, but when we get here, the politics of partisanship has to end because we have to come together and that's the bottom line. Henry Lewis McKennon said,"Under democracy, one party always devotes its chief energies trying to prove the other party is unfit to rule. Both commonly succeed, and are right." The parties spend a lot of time fighting each other and worrying over whatever the other party is doing wrong.

When I came to Tallahassee in 1978, I thought government could do everything. I thought government was the solution to all problems. I've learned a lot since then. Government probably shouldn't be involved in a lot of things that it is involved in. It can't do it all. What government can do sometimes, it doesn't do very well, but sometimes it does. The best way to sum that up is through a statement by P.J. O'Rourke—there is a little humor in this, so don't get all nervous. "Democrats are the party that says government will make you smarter, taller, richer and remove the crabgrass on your lawn. Republicans are the party that says government doesn't work and then they get elected and then they prove it." It is amazing what you read when you are looking for things to go on. But what it is all about is getting along. I developed a fairness and people mention it. When people come to ask me for help, if it's something that I can agree with, I like to say yes to them. I like to say yes and let them prove, or someone else prove why I shouldn't do it. Other people like to say no and then prove why they should help you. I like to say yes and that's the way I have guided myself and my work.

I have served under seven Speakers of the Florida House of Representatives. I have served under five Presidents of the Florida Senate. Phil Lewis was the President of the Senate in 1978 when I came into the process. Since 1992 I have served five governors—that includes Buddy McKay for a day. One of the things that has been so important to me is the staff that I have had over the years—my majority office staff in the House and my criminal justice staff. Robin, who is sitting in the gallery is outstanding. We had a tremendous staff. We played hard and laughed a lot. I like to have fun with my work; I think you need to have a little fun when you work, and I have tried to exemplify that.

Twenty-four years ago, Leon, Elayne and Joel, all sat in that House chamber on the floor when I was sworn in. My mom was there too, but she's no longer here, as many of us lose our folks in this process. Now I have an addition, my son-in-law Aaron, who happens to be a Republican—what can you do? I bought my daughter a car when she was younger, and now, my son-in-law—I hope he doesn't mind me telling this story—put an NRA sticker on my daughter's car that I bought! I don't know why she married him, but she surely appreciates it. Okay, this is bipartisan. Then, I have two grandchildren who mean everything to me, Jordan and Kayla. They are just fantastic and I thank them.

I thank my constituents. I thank all of those people who, over the past 24 years, didn't run against me number one, that's very critical and important. I only had three contested elections and I feel very fortunate to have had only three contested elections in all of those years. The city of North Miami Beach has been kind enough to name a building after me. North Miami Beach is where I got my start and did all of my work: where I have run campaigns, managed campaigns and participated in campaigns. I also want to thank one other person, my dear friend who served in this chamber, and who was such a mentor to me. Chairman Sherman Winn, who was an outstanding person. He epitomized what I tried to do. Senator Winn brought people together in situations where people were on opposite sides of the issues. He did that with our Dade County folks and in this chamber. I wish him well.

Ralph Waldo Emerson said it best: "What lies behind us and before us are tiny matters compared to what lies within us." You know my passion for helping people and for making sure that the less fortunate are cared for. Mr. President, as these things come to my mind, there are two stories that I have got to tell. When I left the House with encouragement from House members who said that I ought to come down to the Senate because they felt that I was losing a couple of steps, since this body wasn't as active as those House members, jumping up and down, and running around and things. They said, "Why don't you go down and run for the Senate?" That's why they sent me down here. I have lost a couple of steps, there's no question about it.

Former President of the United States, John F. Kennedy, once said, "If a free society cannot help the many that are poor, it cannot save the few that are rich." I think that sums up what we all ought to be about; government ought to help those who can't help themselves. Mr. President, I thank you for the opportunity that you have given me to serve in the capacity that I have. I know your capacity in helping human services issues is second to none and I thank you for the opportunity. Thank you members, I love each and everyone of you.

Senator Lee: Senators, I value each and every one of our relationships greatly. We are going to lose well over a hundred years of institutional memory collectively when you all walk out of this chamber for the last time. This has been a very sentimental week in many ways. Senator Dyer's aide fell from a heart attack last Friday, we had the unveiling of the portrait of the President yesterday, we all lost a good friend, Marvin Arrington last night. Now we have listened to about four hours and 30 minutes of farewells. It serves as a reminder to me and I hope a reminder to everyone in this chamber, that we all really are just passing through. We are given an opportunity to make a difference and we don't know how long our time is here on this earth or in this chamber. While we are here, we should do what we can to advance our own causes, the causes of the people in our district and just as importantly, the causes of one another. I think, as someone who has had the privilege of serving in this Senate before term limits took effect, and have watched so many people like Pat Thomas, W.D. Childers, Toni Jennings, Jim Scott, President McKay, and George Kirkpatrick, people who had spent many years in this Legislature, who offered to put their arm around me and teach me a little about what it meant to be in the Florida Senate. I want you to know that you all will be dearly missed. I just hope and pray that as you proceed down whatever paths that you take in life, and I know some of you are going to be apples that don't fall too far from the tree, I hope that you will come back and spend some time with us because we value your relationships deeply. You will always be remembered for the special relationship that we all have with you, which is very unique to each and everyone of us. As I said the other day, when we unveiled the portrait, we will soon forget the issues that we competed against and worked for, but, we will never forget the people or the very special, unique aspects of all of us that reflect a very diverse state called Florida. I thank you for all that you have done to educate me and all that you have done to be my friends. I hope as you walk out of here, you feel the same way about me as I do about you. You are great people and we are going to miss you.

President McKay: Madam Secretary, do you want to make a few remarks?

Secretary Blanton: Yes. To President McKay, Senator Brown-Waite, Senator Burt, Senator Dyer, Senator Holzendorf, Senator Jones, Senator Latvala, Senator Rossin, Senator Silver, and Senator Sullivan. On behalf of the staff of the Florida Senate and with a lot of help from the Florida Channel, we have prepared a brief, retrospective look at all of you to give each of you our own farewell. If you look at the overhead screen, we will now proceed.

President McKay: I think one thing that has occurred today is that we have proven one of our former colleagues wrong. W.D. Childers said, "If you want a friend in this chamber, you better bring your dog." We have all been on different sides of issues, we have all been friends, allies and enemies from time to time, but at the end of the day, the collegial nature of this body prevails. You have all done yourselves proud. I am proud to call you my friends. Not only for the 60 days or maybe longer we are here, but for all of our lives. Thank you very much, each and everyone of you on behalf of the people of Florida for your dedication, for the service, whether it's been eight years or 28 years. This state is much better off because of your commitment. Thank you very much.

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for SB 1586—A bill to be entitled An act relating to education governance; amending s. 39.0015, F.S.; authorizing the State Board of Education to adopt rules relating to child abuse prevention training; amending s. 112.19, F.S.; providing for the State Board of Education to adopt rules and procedures relating to educational benefits provisions for officers killed in the line of duty; amending s. 112.191, F.S.; providing for the State Board of Education to adopt rules and procedures relating to educational benefits provisions for firefighters killed in the line of duty; amending s. 220.187, F.S., relating to corporate tax credit contributions; providing for the State Board of Education to

adopt rules; repealing s. 229.001, F.S., which provides for a short title; amending s. 229.002, F.S., relating to the policy and guiding principles for education; removing references to the changes in education governance; establishing legislative policy for decentralized authority to the schools, community colleges, universities, and other institutions; repealing s. 229.003(1),(2), (3), (4), F.S., relating to education governance reorganization; amending s. 229.0031, F.S.; replacing references to the Florida Board of Education with references to the State Board of Education; repealing s. 229.004, F.S., relating to the Florida Board of Education, Commissioner of Education and Secretary of Education; repealing s. 229.005, F.S., relating to governance officers and others; repealing s. 229.006, F.S., relating to the Education Governance Reorganization Transition Task Force; repealing s. 229.0061, F.S., relating to guidelines for implementing Florida's K-20 education system; amending s. 229.007, F.S.; replacing references to the Florida Board of Education with the State Board of Education; eliminating references to the Chancellors; repealing s. 229.0072, F.S., relating to the education reorganization implementation process; repealing s. 229.0073, F.S., relating to the reorganization of the Department of Education; amending s. 229.011, F.S.; providing that public education is a function of the state; reenacting and amending s. 229.012, F.S.; deleting references to the composition and organization of the elected State Board of Education; establishing the composition and organization of the appointed board; reenacting and amending s. 229.053, F.S.; providing changes to the powers and duties of the State Board of Education; providing for the removal of a member of the State Board of Education for cause; providing additional penalties for violations of s. 286.011, F.S.; providing for the appointment of a new member; repealing s. 229.133, F.S., relating to rulemaking by the State Board of Education for career education programs; reenacting and amending s. 229.512, F.S.; revising the powers and duties of the Commissioner of Education; eliminating certain duties; providing responsibilities for community college, college, and university boards of trustees; repealing s. 229.513, F.S., relating to the Commissioner of Education's review of rules and statutes for school district facilities and related matters; repealing s. 229.515, F.S., relating to rulemaking authority to implement certain provisions of the school code; creating s. 229.516, F.S.; providing for additional duties for the Commissioner; reenacting and amending s. 229.551, F.S., relating to educational management; providing references to the K-20 education system and colleges and state universities; eliminating references to the State University System and the Board of Regents and obsolete dates; providing the State Board of Education and the commissioner with specific functions; providing a technical reference for the public records exemption for tests and related documents developed by the Department of Education; changing references from the common course designation and numbering system to the statewide course numbering system; establishing the Articulation Coordinating Committee; providing for the appointment of members; providing for the adoption of rules; amending s. 229.555, F.S.; providing requirements for postsecondary institutions and boards of trustees for community colleges, colleges, and universities; providing responsibilities for the commissioner; amending s. 229.565, F.S.; eliminating references to commissioner's rules; amending s. 229.57, F.S., relating to the student assessment program; eliminating the high school competency test requirement; removing obsolete references; repealing s. 229.5701, F.S., relating to monitoring and reporting on the methodology for identifying student learning gains; amending s. 229.59, F.S.; replacing the reference to rulemaking by the Commissioner of Education with the State Board of Education; reenacting and amending s. 229.592, F.S., relating to implementation of the state system of school improvement and education accountability; revising the waiver process; providing for the State Board of Education to authorize the commissioner to waive certain board rules; removing the requirement for the commissioner to bring pending waivers to the board; revising the status of provisions for schools designated with certain performance grade categories; repealing s. 229.601, F.S., relating to the Florida Career Education Act; amending s. 229.602, F.S.; removing reference to an obsolete date; transferring and renumbering s. 229.604, F.S., relating to the transition to teaching program; transferring and renumbering s. 229.6041, F.S., relating to grants for career changing professionals; transferring and renumbering s. 229.6042, F.S., relating to training program implementation; transferring and renumbering s. 229.6043, F.S., relating to requirements for teacher preparation programs; amending s. 229.805, F.S., relating to educational television; replacing rulemaking by the Commissioner of Education with the State Board of Education; extending the Department of Education's educational television and other media services to universities; amending s. 229.8051, F.S., relating to the public broadcasting system; replacing rulemaking by the Commissioner of Education with the State Board of Education; creating s. 229.8076, F.S.; establishing the Office of Nonpublic Schools and Home Education Programs within the Department of Education; specifying the responsibilities of the office; requiring the Commissioner of Education to appoint an executive director for the office; specifying duties; amending s. 229.8333, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; reenacting s. 229.8341, F.S.; allowing regional diagnostic and learning resource centers to provide services for infants and preschool children; repealing s. 229.8343, F.S., requiring the Department of Education to develop a model rule for denying participation in sports or other extracurricular activities to certain persons who were delinquent in paying a child support obligation; amending ss. 233.015, 233.056, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; revising the reference to the Division of Public Schools and Community Education with the Division of Public Schools; amending s. 233.058, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending ss. 233.39, 236.02, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending s. 236.025, F.S.; replacing rulemaking of the Department of Education with the State Board of Education; amending s. 236.081, F.S.; replacing rulemaking by the commissioner with the State Board of Education; removing an obsolete reference; amending ss. 236.1225, 237.081, 237.211, 237.40, 316.615, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending ss. 411.224, 446.609, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; amending s. 489.125, F.S.; replacing rulemaking by the commissioner with the State Board of Education; amending ss. 937.023, 984.05, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; repealing s. 229.0074(3), F.S., relating to the Commission for Independent Education; amending s. 228.041, F.S.; revising definitions in the school code; correcting references; replacing references to rulemaking; amending s. 228.055, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; amending ss. 228.062, 228.195, 230.23, F.S.; replacing rulemaking by the Commissioner with the State Board of Education; amending s. 230.2316, F.S.; eliminating the eligibility for waivers of law by second chance schools; providing for programs to operate under rules adopted by the state board; providing general rulemaking authority for the state board; amending s. 230.23161, F.S.; providing rulemaking authority to the State Board of Education rather than the Department of Education; amending ss. 230.23166, 231.700, 232.01, F.S.; providing for the adoption of rules by the State Board of Education rather than the Commissioner of Education; amending s. 232.0315, F.S.; providing rulemaking authority to the State Board of Education rather than the Department of Education; amending ss. 232.23, 232.245, 232.25, 234.02, 234.301, F.S.; providing rulemaking authority to the State Board of Education rather than the Commissioner of Education; amending s. 229.567, F.S.; providing for school readiness uniform screening; amending s. 229.0074, F.S.; eliminating the Division of Independent Education and the appointment of members to the Commission for Independent Education; amending s. 229.58, F.S.; requiring the establishment of technical center school advisory councils; amending s. 229.8075, F.S.; requiring the Department of Education to use certain data; allowing the use of certain data; providing for rules; repealing s. 229.8052, F.S., relating to the state satellite network; repealing s. 229.008, F.S., relating to the boards of trustees of the state universities; repealing s. 229.0081, F.S., relating to the powers and duties of university boards of trustees; repealing s. 229.0082, F.S., relating to the powers and duties of university presidents; repealing s. 229.76, F.S., relating to functions of the Department of Education; eliminating the requirement for the Department of Education to be located in the Office of the Commissioner of Education and statutory duties for the department; repealing s. 229.8065, F.S., relating to expenditures for Knott Data Center and projects, contracts, and grants programs; amending s. 233.17, F.S.; conforming a statutory cross-reference; requiring the Secretary for the Florida Board of Education to make recommendations; requiring a report; creating s. 229.136, F.S.; providing for the preservation of rules of the State Board of Education, the Commissioner of Education, and the Department of Education; specifying those rules of the Department of Education and the Commissioner of Education that become rules of the State Board of Education and those rules of the elected State Board of Education that become the rules of the appointed State Board of Education; transferring rules of the State Board of Education, the Commissioner of Education, and the Department of Education to the appointed State Board of Education; providing for the preservation of validity of judicial or administrative actions; providing for the substitution of parties; creating the "Education Investment Act"; providing definitions; providing

legislative intent for certain investments and enhancements; authorizing certain programs; authorizing improved curriculum; requiring improved counseling ratios in certain schools; authorizing academic preparation tools, including test preparation study skills and advanced writing programs for certain students; authorizing the development of programs through the Internet; providing for separation of open enrollment programs within schools for certain purposes; authorizing expanded student assistance programs at universities; authorizing fee waivers for students and former students of certain schools; authorizing rules of the Board of Education; authorizing state-funded test-preparation courses for certain students; requiring school districts to develop a plan for a foreign-language curriculum; requiring the Department of Education to prepare a summary of the plans; providing effective dates.

—which was previously considered and amended this day with pending **Amendment 5 (601318)**by Senator Pruitt as amended.

On motion by Senator Villalobos, further consideration of **CS for CS for SB 1586** with pending **Amendment 5 (601318)** as amended was deferred.

On motion by Senator Garcia, by unanimous consent—

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.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **CS for SB 658** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, by unanimous consent—

CS for SB's 2488 and 2314—A bill to be entitled An act relating to public school student progression; amending s. 232.245, F.S.; revising guidelines for allocation of school district remedial and supplemental instruction resources; prescribing content of academic improvement plans; prescribing guidelines for remedial reading instruction; requiring parental notification of reading deficiency; prohibiting social promotion and providing standards for exemptions from mandatory-retention requirements; requiring reports by district school boards; providing powers and duties of the State Board of Education with respect to enforcement of mandatory retention; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (630872)(with title amendment)—On page 10, between lines 29 and 30, insert:

Section 2. *Learning Gateway.*—

(1) PROGRAM GOALS.—The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:

(a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.

(b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers.

(c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.

(d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.

(e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.

(f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.

(b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.

(c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in section 3 of this act through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.

(d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Florida Partnership for School Readiness, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

(f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect.

Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chairman of the steering committee.

(g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under section 112.061, Florida Statutes.

(3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

(a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in section 3 of this act. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

(b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.

(c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.

(d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.

(e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.

(f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.

(g) Addressing system components delineated in section 3 of this act, each demonstration project proposal must include, at a minimum:

1. Protocols for requiring and receiving parental consent for Learning Gateway services.

2. A method for establishing communication with parents and coordination and planning processes within the community.

3. Action steps for making appropriate linkages to existing services within the community.

4. Procedures to determine gaps in services and identify appropriate providers.

5. A lead agency to serve as the system access point, or gateway.

(h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

(i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

Section 3. *Components of the Learning Gateway.—*

(1) The Learning Gateway system consists of the following components:

(a) Community education strategies and family-oriented access.—

1. Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems:

a. Conducting intake with families.

b. Conducting appropriate screening or referral for such services.

c. Conducting needs/strengths-based family assessment.

d. Developing family resource plans.

e. Making referrals for needed services and assisting families in the application process.

f. Providing service coordination as needed by families.

g. Assisting families in establishing a medical home.

h. Conducting case management and transition planning as necessary.

i. Monitoring performance of service providers against appropriate standards.

2. The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

3. In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demonstration projects in developing brochures and other materials to be distributed to parents of newborns.

4. In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based internet web site, as well as opportunities such as those presented by parent visits to physicians for well-child check-ups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

a. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, childcare providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards for kindergarten adopted by the School Readiness Partnership Board.

b. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(b) Screening and developmental monitoring.—

1. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

2. Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

3. Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in accordance with the American Academy of Pediatrics Periodicity Schedule.

4. Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.

5. The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.

6. Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services. After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.

7. In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs. Intervention programs for children, parents, and caregivers include those administered or funded by the:

a. Agency for Health Care Administration;

b. Department of Children and Family Services;

c. Department of Corrections and other criminal justice programs;

d. Department of Education;

e. Department of Health; and

f. Department of Juvenile Justice.

8. When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.

9. The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.

10. Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.

(c) Early education, services and supports.—

1. The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by the steering committee and consistent with effective and proven strategies. The specific services and supports may include:

a. High-quality early education and care programs.

b. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions.

c. Speech and language therapy that is age-appropriate.

d. Parent education and training.

e. Comprehensive medical screening and referral with biomedical interventions as necessary.

f. Referral as needed for family therapy, other mental health services, and treatment programs.

g. Family support services as necessary.

h. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3.

i. Referral for Part B or Part C services as required.

j. Expanded access to community-based services for parents.

k. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

2. Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school

day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

3. The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Florida Partnership for School Readiness, shall identify the elements of an effective research-based curriculum for early care and education programs.

4. The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.

5. The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.

6. Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the demonstration projects in securing state and federal waivers as appropriate.

Section 4. *Accountability.—*

(1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.

(2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.

(3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

(4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:

(a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;

(b) Improve early identification of those who are at risk for learning problems and learning disabilities;

(c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;

(d) Improve and coordinate screening for children from birth through age 9;

(e) Improve and coordinate services for children from birth through age 9;

(f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;

(g) Provide appropriate support to families;

(h) Share best practices with caregivers and referral sources;

(i) Address resource needs of the assessment and intervention system; and

(j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

Section 5. *The Legislature shall appropriate a sum of money to fund the demonstration programs and shall authorize selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding;

Pursuant to Rule 4.19, **CS for SB's 2488 and 2314** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by unanimous consent—

CS for SB 1190—A bill to be entitled An act relating to sheriffs; amending s. 30.09, F.S.; providing an exception from bonding requirements for special deputies in the event of certain terrorist acts; amending s. 30.49, F.S.; revising provisions relating to submission of budgets by sheriffs; providing an effective date.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1190** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, by unanimous consent—

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.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **CS for SB 982** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by unanimous consent—

SB 396—A bill to be entitled An act relating to public records and meetings; amending s. 943.031, F.S.; abrogating the future repeal of exemptions from public-records and public-meetings requirements which are granted for meetings and records of meetings of the Florida Violent Crime and Drug Control Council at which active criminal investigative or intelligence information is discussed; providing an effective date.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **SB 396** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, by unanimous consent—

CS for CS for SB 438—A bill to be entitled An act relating to piracy of transportation; amending s. 860.16, F.S.; specifying the elements constituting the offenses of aggravated aircraft piracy; providing penalties; creating s. 860.161, F.S.; providing definitions; specifying the elements constituting the offense of vessel piracy; providing a penalty; specifying the offenses constituting the offenses of aggravated vessel piracy; providing penalties; creating s. 860.162, F.S.; providing definitions; specifying the elements constituting the offense of ground transport piracy; providing a penalty; specifying the elements constituting the offenses of aggravated ground transport piracy; providing penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Meek moved the following amendment which was adopted:

Amendment 1 (584322)—On page 2, line 6 through page 5, line 23, delete those lines and insert:

(2) Except as provided in subsection (3) or subsection (4), any person who without lawful authority seizes or exercises control, by use or threat of force or violence and with wrongful intent, of any aircraft containing a nonconsenting person within this state and who intentionally crashes that aircraft commits the offense of aggravated aircraft piracy, a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who violates subsection (2) and, in the course of such violation, causes the permanent physical injury, impairment, or disability of another person commits the offense of aggravated aircraft piracy, a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who violates subsection (2) and, in the course of such violation, causes the death of another person commits the offense of aggravated aircraft piracy, a capital felony, punishable as provided in s. 775.082.

Section 2. Section 860.161, Florida Statutes, is created to read:

860.161 Vessel piracy; aggravated vessel piracy; definitions; penalties.—

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

(a) "Vessel" means a watercraft that is propelled by power other than wind or muscular power and that is used to transport persons or property. The term does not include a seaplane, personal watercraft, specialty prop-craft, or inflatable watercraft.

(b) "Personal watercraft" means a watercraft that uses an inboard motor powering a water jet pump as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on the watercraft, rather than in the conventional manner of sitting or standing inside the watercraft.

(c) "Specialty prop-craft" means a watercraft that is similar in appearance and operation to a personal watercraft but that is powered by an outboard or propeller-driven motor.

(2) Any person who without lawful authority seizes or exercises control, by use or threat of force or violence and with wrongful intent, of any vessel containing a nonconsenting person within this state commits the offense of vessel piracy, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Except as provided in subsection (4) or subsection (5), any person who without lawful authority seizes or exercises control, by use or threat of force or violence and with wrongful intent, of any vessel containing a nonconsenting person within this state and who intentionally crashes or sinks that vessel commits the offense of aggravated vessel piracy, a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who violates subsection (3) and, in the course of such violation, causes the permanent physical injury, impairment, or disability of another person commits the offense of aggravated vessel piracy, a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who violates subsection (3) and, in the course of such violation, causes the death of another person commits the offense of aggravated vessel piracy, a capital felony, punishable as provided in s. 775.082.

Section 3. Section 860.162, Florida Statutes, is created to read:

860.162 Ground transport piracy; aggravated ground transport piracy; definitions; penalties.—

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

(a) "Ground transport" means a motor vehicle, railroad train, or other vehicle that is propelled by power other than muscular power, that runs upon a single rail or upon a track or guideway, and that is used to transport persons or property.

(b) "Motor vehicle" means a vehicle that is propelled by power other than muscular power, that is operated on the roads of this state, and that is used to transport persons or property. The term does not include a traction engine, road roller, motorcycle, moped, scooter, or bicycle.

(c) "Railroad train" means a steam engine, electric-powered engine, or other motor engine that is operated upon rails, with or without a car coupled to the engine, or a car that is or can be coupled to such an engine and that is operated upon rails.

(2) Any person who without lawful authority seizes or exercises control, by use or threat of force or violence and with wrongful intent, of any ground transport containing a nonconsenting person within this state commits the offense of ground transport piracy, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Except as provided in subsection (4) or subsection (5), any person who without lawful authority seizes or exercises control, by use or threat of force or violence and with wrongful intent, of any ground transport containing a nonconsenting person within this state and who intentionally crashes that ground transport or intentionally detaches that ground transport from a rail or rails, a track, or a guideway commits the offense of aggravated ground transport piracy, a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who violates subsection (3) and, in the course of such violation, causes the permanent physical injury, impairment, or disability of another person commits the offense of aggravated ground transport piracy, a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who violates subsection (3) and, in the course of such violation, causes the death of another person commits the offense of aggravated ground transport piracy, a capital felony, punishable as provided in s. 775.082.

Pursuant to Rule 4.19, **CS for CS for SB 438** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by unanimous consent—

CS for SB 1618—A bill to be entitled An act relating to nursing shortage solutions; providing a short title; amending s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program; revising provisions relating to loan repayment; providing a restriction on participation in the program; amending s. 240.4076, F.S., relating to the Nursing Scholarship Program; revising eligibility provisions; revising provisions relating to repayment of a scholarship under certain circumstances; deleting obsolete language; creating the Sunshine Workforce Solutions Grant Program; providing for grants to fund the establishment of exploratory programs in nursing or programs of study in nursing in the public schools; providing requirements and procedures for application and selection; amending s. 464.009, F.S.; revising provisions relating to eligibility for licensure by endorsement to practice professional or practical nursing; providing for a temporary work permit under certain circumstances; providing for future repeal; amending s. 464.018, F.S.; revising grounds for disciplinary actions against nurses; amending s. 464.019, F.S.; revising rulemaking authority of the Board of Nursing relating to approval of nursing programs; exempting certain nursing programs from certain board rules under certain circumstances; providing an appropriation to the Department of Health to provide grants to hospitals for nurse retention and recruitment activities; requiring matching of appropriated funds; providing for rules; providing eligibility criteria; providing an effective date.

—was taken up out of order and read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1618** to **CS for CS for CS for HB 519**.

Pending further consideration of **CS for SB 1618** as amended, on motion by Senator Saunders, by two-thirds vote **CS for CS for CS for HB 519** was withdrawn from the Committees on Health, Aging and Long-Term Care; and Appropriations.

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

CS for CS for CS for HB 519—A bill to be entitled An act relating to nursing shortage solutions; providing a short title; amending s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program; revising provisions relating to loan repayment; providing a restriction on participation in the program; amending s. 240.4076, F.S., relating to the Nursing Scholarship Program; revising eligibility provisions; revising provisions relating to repayment of a scholarship under certain circumstances; deleting obsolete language; creating the Sunshine Workforce Solutions Grant Program; providing for grants to fund the establishment of exploratory programs in nursing or programs of study in nursing in the public schools; providing requirements and procedures for application and selection; amending s. 464.009, F.S.; revising provisions relating to eligibility for licensure by endorsement to practice professional or practical nursing; providing for future repeal; amending s. 464.019, F.S.; revising rulemaking authority of the Board of Nursing relating to approval of nursing programs; exempting certain nursing programs from certain board rules under certain circumstances; requiring board review of a nursing program under certain circumstances; amending s. 464.022, F.S.; providing an exemption from licensure for a nurse licensed in a territory of the United States; providing an appropriation to the Department of Health to provide grants to hospitals for nurse retention and recruitment activities; requiring matching of appropriated funds; providing for rules; providing eligibility criteria; providing an effective date.

—a companion measure, was substituted for **CS for SB 1618** as amended and by two-thirds vote read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (442798)(with title amendment)—On page 8, between lines 12 and 13, insert:

Section 6. Paragraph (h) of subsection (1) of section 464.018, Florida Statutes, is amended, present paragraph (n) of that subsection is redesignated as paragraph (o), and a new paragraph (n) is added to that subsection, to read:

464.018 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(h) Unprofessional conduct, *as defined by board rule* ~~which shall include, but not be limited to, any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing nursing practice, in which case actual injury need not be established~~.

(n) Failing to meet minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after "repeal;" insert: amending s. 464.018, F.S.; revising grounds for disciplinary actions against nurses;

Amendment 2 (235772)(with title amendment)—On page 10, line 13 through page 11, line 5, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 1-6, delete those lines and insert: in a territory of the United States; providing an

Senator Miller moved the following amendment which was adopted:

Amendment 3 (550666)(with title amendment)—On page 11, between lines 5 and 6, insert:

Section 9. Section 381.00593, Florida Statutes, is created to read:

381.00593 Public school volunteer health care practitioner program.—

(1) This section may be cited as the "Public School Volunteer Health Care Practitioner Act."

(2) The purpose of this section is to establish a public school volunteer health care practitioner program with incentives and coordinate the program with the "School Health Services Act," pursuant to s. 381.0056, in order to encourage health care practitioners to provide their services, without compensation, in the public schools; and such program is intended to complement other programs designed to provide health services or increase the level of health care in the public schools.

(3) For purposes of this section, the term "health care practitioner" means a physician licensed under chapter 458; an osteopathic physician licensed under chapter 459; a chiropractic physician licensed under chapter 460; a podiatric physician licensed under chapter 461; an optometrist licensed under chapter 463; an advanced registered nurse practitioner, registered nurse, or licensed practical nurse licensed under part I of chapter 464; a pharmacist licensed under chapter 465; a dentist or dental hygienist licensed under chapter 466; a midwife licensed under chapter 467; a speech-language pathologist or audiologist licensed under part I of chapter 468; or a physical therapist licensed under chapter 486.

(4)(a) Notwithstanding any provision of chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, part I of chapter 464, chapter 465, chapter 466, chapter 467, part I of chapter 468, or chapter 486 to the contrary, any health care practitioner who participates in the program established in this section and thereby agrees to provide his or her services, without compensation, in a public school for at least 80 hours a year for each school year during the biennial licensure period, or, if the health care practitioner is retired, for at least 400 hours a year for each school year during the licensure period, upon providing sufficient proof from the applicable school district that the health care practitioner has completed such hours at the time of license renewal under procedures specified by the Department of Health, shall be eligible for the following:

1. Waiver of the biennial license renewal fee for an active license; and

2. Fulfillment of a maximum of 25 percent of the continuing education hours required for license renewal, pursuant to s. 456.013(9).

The school district may establish a schedule for health care practitioners who participate in the program.

(b) A health care practitioner must complete all forms and procedures for participation in the program prior to the applicable license renewal date.

(5) To participate in the program, a health care practitioner must:

(a) Have a valid, active license to practice his or her profession in this state.

(b) Submit fingerprints and have a background screening in accordance with the requirements of s. 381.0059, unless already provided and completed for practitioner licensing, profiling, or credentialing purposes.

(6) The school district, through its self-insurance program, shall bear the cost of any increase in premiums for liability protection for health care practitioners participating in the program other than those employed by the school or school district.

(7)(a) The Department of Health shall have the responsibility to supervise the program and perform periodic program reviews as provided in s. 381.0056(4).

(b) The Department of Health, in cooperation with the Department of Education, shall publicize the availability of the program and its benefits.

(8) The Department of Health, in cooperation with the Department of Education, may adopt rules necessary to implement this section. The rules shall include the forms to be completed and procedures to be followed by applicants and school personnel under the program.

(9) The provisions of this section shall be implemented to the extent of specific appropriations contained in the annual General Appropriations Act for such purpose.

Section 10. *Implementation of the public school volunteer health care practitioner program under s. 381.00593, Florida Statutes, as created by this act, shall be according to the following schedule:*

(1) The forms and procedures required by s. 381.00593(8), Florida Statutes, must be completed and distributed to the school districts by November 30, 2002.

(2) Each school district must make the application forms and any other materials required by s. 381.00593(8), Florida Statutes, available to all public schools in the district within 1 month after the forms and procedures are completed and distributed to the school district.

(3) Publication of the program, as required by s. 381.00593(7)(b), Florida Statutes, must begin within 1 month after the forms and procedures are completed and distributed to the school district.

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: 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 a portion 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 for payment of any resulting increase in liability insurance premiums; providing administrative responsibilities; providing a limitation on implementation; providing rulemaking authority; providing for implementation;

Pursuant to Rule 4.19, **CS for CS for CS for HB 519** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by unanimous consent—

CS for CS for SB 2338—A bill to be entitled An act relating to the Florida Minority Business Loan Mobilization Program; creating s. 288.706, F.S.; providing legislative findings and intent; creating the Florida Minority Business Loan Mobilization Program for certain purposes; providing for program administration by the Department of Management Services; authorizing state agencies to disburse a specified amount of a contract award to assist certain minority business enterprise vendors in obtaining working capital financing; authorizing professional services vendors to apply for a specified percentage of a base contract amount; specifying procedures for the Florida Minority Business Loan Mobilization Program; providing for working capital agreements and lines of credit; providing requirements and limitations; providing requirements for prime contract vendors; providing requirements for subcontract vendors; providing contracting state agency requirements; authorizing the Department of Management Services to adopt rules; authorizing the Department of Management Services to maintain a listing of participating financial institutions; providing an effective date.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2338** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by unanimous consent—

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.

—was taken up out of order and read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2430** to **CS for HB 777**.

Pending further consideration of **CS for SB 2430** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **CS for HB 777** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

CS for HB 777—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 contractors 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; amending s. 213.053, F.S.; authorizing release of certain additional information in administering certain tax credit or exemption programs; amending ss. 443.171 and 443.1715, F.S.; including the refund program for aviation-industry businesses within certain exceptions to certain public records exemptions; providing a statement of public necessity; providing contingent effect; providing effective dates.

—a companion measure, was substituted for **CS for SB 2430** as amended and by two-thirds vote read the second time by title.

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

Amendment 1 (573142)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 288.1067, Florida Statutes, is created to read:

288.1067 Confidentiality of records.—

(1) The following information held by the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., or county or munic-

ipal governmental entities, and their employees or agents, pursuant to the incentive programs for qualified businesses as provided in s. 220.191, s. 288.1045, s. 288.106, s. 288.108, or s. 288.1088 is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, for a period not to exceed the duration of the relevant tax refund, tax credit, or incentive agreement:

(a) The business's federal employer identification number, unemployment compensation account number, and Florida sales tax registration number.

(b) Any trade secret information as defined in s. 812.081. Notwithstanding any provision of this section, trade secret information shall continue to be confidential and exempt after the duration of the tax refund, tax credit, or incentive agreement.

(c) The percentage of the business's sales occurring outside this state and, for businesses applying under s. 288.1045, the percentage of the business's gross receipts derived from Department of Defense contracts during the 5 years immediately preceding the date the business's application is submitted.

(d) The anticipated wages for the project jobs that the business plans to create, as reported on the application for certification.

(e) The average wage actually paid by the business for those jobs created by the project and any detailed proprietary business information or an employee's personal identifying information, held as evidence of the achievement or nonachievement of the wage requirements of the tax refund, tax credit, or incentive agreement programs or of the job-creation requirements of such programs.

(f) Any proprietary business information regarding capital investment in eligible building and equipment made by the qualified business project when held by the Office of Tourism, Trade, and Economic Development as evidence of the achievement or nonachievement of the investment requirements for the tax-credit certification under s. 220.191, for the high-impact performance agreement under s. 288.108, or for the quick-action closing fund agreement under s. 288.1088.

(g) The amount of:

1. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

2. Corporate income taxes paid pursuant to chapter 220;

3. Intangible personal property taxes paid pursuant to chapter 199;

4. Emergency excise taxes paid pursuant to chapter 221;

5. Insurance premium taxes paid pursuant to chapter 624;

6. Excise taxes paid on documents pursuant to chapter 201; or

7. Ad valorem taxes paid, as defined in s. 220.03(1),

which the qualified business reports on its application for certification or reports during the term of the tax refund agreement, and for which the qualified business claims a tax refund under s. 288.1045 or s. 288.106, and any such information held as evidence of the achievement or nonachievement of performance items contained in the tax refund agreement.

(2) Nothing contained in this section shall prevent the Office of Tourism, Trade, and Economic Development or Enterprise Florida, Inc., from releasing:

(a) The names of qualified businesses, the total number of jobs each business expects to create, the total number of jobs created by each business, and the amount of tax refunds awarded to and claimed by each business under s. 228.1045 or s. 288.106. However, for a business applying under s. 288.1045 based on obtaining a new Department of Defense contract, the total number of jobs expected and the amount of tax refunds claimed shall not be released until the new Department of Defense contract is awarded;

(b) The amount of incentives awarded and claimed by each business under s. 288.108 or s. 288.1088; or

(c) The names of qualified businesses, the total number of jobs each business expects to create, and the total number of jobs created by each business under s. 220.191.

(3) Nothing contained in this section shall prevent the Office of Tourism, Trade and Economic Development or Enterprise Florida, Inc., from publishing statistics in the aggregate and so classified as to prevent the identification of a single qualified applicant.

(4) 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, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Paragraph (k) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

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

(k)*1.* Payment information relative to chapters 199, 201, 212, 220, ~~and~~ 221*, and 624* to the Office of Tourism, Trade, and Economic Development*, or its employees or agents that are identified in writing by the office to the department,* in *the* ~~its~~ administration of the tax refund program for qualified defense contractors authorized by s. 288.1045 and the tax refund program for qualified target industry businesses authorized by s. 288.106.

2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).

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

Section 3. Subsection (1) of section 443.1715, Florida Statutes, is amended to read:

443.1715 Disclosure of information; confidentiality.—

(1) RECORDS AND REPORTS.—Information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual pursuant to the administration of this chapter, and any determination revealing such information, ~~must,~~ except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, *must* be held confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be made available only to public employees in the performance of their public duties, including employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program and the Office of Tourism, Trade, and Economic Development in its administration of the qualified defense contractor tax refund program authorized by s. 288.1045 *and the qualified target industry tax refund program authorized by s. 288.106.* Except as otherwise provided by law, public employees receiving such information must retain the confidentiality of such information. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission or any employee of the division, or any other person receiving confidential information, who violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the division may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and may furnish to any claimant copies of any report previously submitted by such claimant, upon the request of such claimant, and the division is authorized to charge therefor such reasonable fee as the

division may by rule prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the division for copies as provided in this subsection must be deposited to the credit of the Employment Security Administration Trust Fund.

Section 4. *The Legislature finds that it is a public necessity to provide confidentiality for certain information concerning businesses that is obtained through the administration of the tax refund, tax credit, and incentive programs for qualified defense contractors, qualified target-industry businesses, high-impact performance incentive businesses, quick-action closing fund businesses, and capital-investment tax-credit businesses under sections 220.191, 288.1045, 288.106, 288.108, and 288.1088, Florida Statutes. The disclosure of information such as trade secrets, tax identification numbers, analyses of gross receipts, the amount of taxes paid, the amount of capital investment, and the amount of employee wages paid, and the detailed documentation to substantiate such performance information, could injure a business in the marketplace by providing its competitors with detailed insights into the financial status and the strategic plans of the business, thereby diminishing the advantage that the business maintains over those who do not possess such information. The disclosure, prior to the award of a new Department of Defense contract, of information such as the number of new jobs to be created to perform the contract and the amount of refunds claimed could injure a business by providing competitors with detailed insights into the resources of the business and diminish the business's chances of obtaining a new Department of Defense contract. Some of the documentation supplied to support a business's tax refund and credit claims, or other incentive claims, could reveal private information, such as employee names and social security numbers, concerning that business's employees. Without this exemption, private-sector businesses, whose records generally are not required to be open to the public, might refrain from participating in these economic-development programs and thus would not be able to use the tax refunds available under the programs. If a business were unable to use the tax refund, it might choose to locate its employment and other investment activities outside the state, depriving the state and the public of the potential economic benefits associated with such business activities in Florida. The harm to businesses in the marketplace and to the effective administration of these economic-development programs caused by the public disclosure of such information far outweighs the public benefits derived from its release. In addition, because the confidentiality provided by this act does not preclude the reporting of statistics in the aggregate concerning the programs, as well as the names of businesses participating in the programs and the amount of tax refunds and other incentives awarded and claimed, the public has access to information important to an assessment of the performance of those programs.*

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to 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; amending s. 213.053, 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 an effective date.

Pursuant to Rule 4.19, **CS for HB 777** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta, by unanimous consent—

CS for CS for CS for SB 502—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; transferring the Office of Toll Operations to the turnpike enterprise; redesignating the turnpike district as the turnpike enterprise; amending s. 206.46, F.S.; increasing the rights-of-way bond cap; amending s. 316.302, F.S.; updating federal references; revising out-of-service requirements for commercial motor vehicles; providing a penalty; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; conforming provisions; amending s. 334.044, F.S.; providing powers and duties for department law enforcement officers; amending s. 337.025, F.S.; eliminating the cap on innovative highway projects for the turnpike enterprise; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-way acquisition services; amending s. 337.11, F.S., relating to design-build contract; adding, for a specified period, rights-of-way services to activities that may be part of a design-build contract; providing restrictions; amending s. 338.165, F.S.; conforming provisions; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165, 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts before obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditures to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending ss. 338.251, 339.135, F.S.; conforming provisions; amending s. 339.12, F.S.; raising the amount that local governments may advance to the department; amending s. 553.80, F.S.; providing for self-regulation; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Klein moved the following amendment which was adopted:

Amendment 1 (574614)—On page 6, lines 22-28, delete those lines

Senator Sebesta moved the following amendments which were adopted:

Amendment 2 (542028)(with title amendment)—On page 10, between lines 5 and 6, insert:

Section 4. Paragraph (a) of subsection (3) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(3)(a) A civil penalty of $50 may be assessed for a violation of *49 C.F.R. s. 390.21* ~~s. 316.3027~~.

Section 5. Subsection (2) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(2) HEIGHT LIMITATION.—No vehicle may exceed a height of 13 feet 6 inches, inclusive of load carried thereon. However, an automobile transporter may~~, with a permit from the Department of Transportation,~~ measure a height not to exceed 14 feet, inclusive of the load carried thereon.

Section 6. Subsection (3) of section 337.185, Florida Statutes, is amended to read:

337.185 State Arbitration Board.—

(3) A hearing may be requested by the department or by a contractor who has a dispute with the department which, under the rules of the board, may be the subject of arbitration. *The request is to be made to the board within 820 days after the final acceptance of the work for all contracts entered into after June 30, 1993.* The board shall conduct the hearing within 45 days of the request. The party requesting the board's consideration shall give notice of the hearing to each member. If the board finds that a third party is necessary to resolve the dispute, the board may vote to dismiss the claim, which may thereafter be pursued in accordance with the laws of the State of Florida.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the second semicolon (;) insert: amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 337.185, F.S.; clarifying application of limitation on certain claims brought before the State Arbitration Board;

Amendment 3 (043066)(with title amendment)—On page 14, lines 10-21, and on page 26, lines 8-29, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, line 19 through page 2, line 13, delete those lines and insert: enterprise; amending s. 337.11, F.S., relating to design-build contract; adding, for a specified period, rights-of-way services to activities that may be part of a design-build contract; providing restrictions; amending s. 338.165, F.S.; conforming provisions; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165, 338.227, F.S.; conforming provisions;

SENATOR CARLTON PRESIDING

THE PRESIDENT PRESIDING

Senators Klein, Garcia and Wasserman Schultz offered the following amendment which was moved by Senator Klein and failed:

Amendment 4 (891974)(with title amendment)—On page 21, lines 6-27, delete those lines and insert:

(8) "Economically feasible" means:

(a) For a proposed turnpike project, that, as determined by the department before the issuance of revenue bonds for the project, the estimated net revenues of the proposed turnpike project, excluding feeder roads and turnpike improvements, will be sufficient to pay at least 50 percent of the debt service on the bonds by the end of the 5th year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the 15th year of operation. In implementing this paragraph, up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.

(b) For turnpike projects, except for feeder roads and turnpike improvements, financed from revenues of the turnpike system, such project, or such group of projects, originally financed from revenues of the turnpike system, that the project is expected to generate sufficient revenues to amortize project costs within 15 years of opening to traffic.

And the title is amended as follows:

On page 1, line 30 through page 2, line 2, delete those lines and insert: the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; conforming provisions to the redesignation; creating s. 338.2215, F.S.;

The vote was:

Yeas—17

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

Nays—18

Mr. President	Dyer	Lee
Brown-Waite	King	Miller
Burt	Latvala	Mitchell
Carlton	Laurent	Peaden
Posey	Sebesta	Sullivan
Saunders	Smith	Wise

Senator Klein moved the following amendment which was adopted:

Amendment 5 (653234)—On page 24, lines 2-5, delete those lines and insert: *turnpike enterprise.*

Senator Sebesta moved the following amendment which was adopted:

Amendment 6 (545404)(with title amendment)—On page 27, delete line 25 and insert: other related services. *However, the department, pursuant to the grants of authority to the turnpike enterprise under this section, shall not exercise the power of eminent domain solely for the purpose of acquiring real property in order to provide business service or opportunities, such as lodging and meeting room space on the turnpike system.*~~; and the granting of concessions which~~

And the title is amended as follows:

On page 2, line 16, after the first semicolon (;) insert: prohibiting the department from exercising its powers of eminent domain solely to acquire property for business opportunities on the Florida Turnpike;

Senators Wasserman Schultz and Carlton offered the following amendment which was moved by Senator Wasserman Schultz and adopted:

Amendment 7 (343278)(with title amendment)—On page 37, between lines 16 and 17, insert:

Section 28. Paragraphs (a) and (d) of subsection (2) and subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a *two-thirds vote* ~~majority~~ of the members of the county governing authority *or pursuant to ordinance enacted by a majority of the members of the county governing authority* and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax *or pursuant to ordinance enacted by a two-thirds vote of the members of the county governing authority*.

(d)1. The proceeds of the surtax authorized by this subsection *and approved by referendum* and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required

to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 75,000 that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011(1), and charter counties may, in addition, use the proceeds and any interest accrued thereto to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred for such refunding bonds prior to July 1, 1999, is ratified.

2. The proceeds of the surtax where the surtax is levied by a two-thirds vote of the governing body of the county and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county for infrastructure located within the urban service area that is identified in the local government comprehensive plan of the county or municipality and is identified in that local government's capital improvements element adopted pursuant to s. 163.3177(3) or that is identified in the school district's educational facilities plan adopted pursuant to s. 235.185.

3.~~2.~~ For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

4.~~3.~~ Notwithstanding any other provision of this subsection, a discretionary sales surtax imposed or extended after the effective date of this act may provide for an amount not to exceed 15 percent of the local option sales surtax proceeds to be allocated for deposit to a trust fund within the county's accounts created for the purpose of funding economic development projects of a general public purpose targeted to improve local economies, including the funding of operational costs and incentives related to such economic development. *If applicable,* the ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

. . . . FOR THE	. . . . CENTS TAX
. . . . AGAINST THE	. . . . CENTS TAX

(c) As an alternative method of levying the discretionary sales surtax, the district school board may levy, pursuant to resolution adopted by a two-thirds vote of the members of the school board, a discretionary sales surtax at a rate not to exceed 0.5 percent when the following conditions are met:

1. The district school board and local governments in the county where the school district is located have adopted an interlocal agreement and public educational facilities element as required by chapter 163;

2. The district school board has adopted a district educational facilities plan pursuant to s. 235.185; and

3. The district's use of surtax proceeds for new construction must not exceed the cost-per-student criteria established for the SIT Program in s. 235.216(2).

(d)~~(c)~~ The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.

(e)~~(d)~~ Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f)~~(e)~~ Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

And the title is amended as follows:

On page 2, line 28, after the semicolon (;) insert: amending s. 212.055, F.S.; providing for the levy of the infrastructure sales surtax and the school capital outlay surtax by a two-thirds vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; providing for the uses of the surtax proceeds;

Senator Jones moved the following amendment which was adopted:

Amendment 8 (083436)(with title amendment)—On page 35, between lines 23 and 24, insert:

Section 27. Subsection (5) of section 337.408, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section to read:

337.408 Regulation of benches, transit shelters, *street light poles,* and waste disposal receptacles within rights-of-way.—

(5) Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, and waste disposal receptacles as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertisements may be installed on street light poles on roads on the State Highway System in accordance with height, size, setback, spacing distance, duration of display, safety, traffic control, and permitting requirements established by administrative rule of the Department of Transportation. Public service messages and advertisements shall be subject to bilateral agreements, where applicable, to be negotiated with the owner of the street light poles, which shall consider, among other things, power source rates, design, safety, operational and maintenance concerns, and other matters of public importance. For the purposes of this section, the term "street light poles" does not include electric transmission or distribution poles. The department shall have authority to establish administrative rules to implement this subsection. No advertising on light poles shall be permitted on the Interstate Highway System. No permanent structures carrying advertisements attached to light poles shall be permitted on the National Highway System.

Section 28. Paragraph (d) of subsection (2) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(d) Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body of an authority shall consist of up to 13 members, and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Seven voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Five voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority. If the governing board of an authority includes any member originally appointed by the governing body of the county as a nonvoting member, when the term of such member expires, that member shall be replaced by a member appointed by the Governor until the governing body of the authority is composed of seven members appointed by the governing body of the county and five members appointed by the Governor. *The qualifications, terms of office, and obligations and rights of members of the authority shall be determined by resolution or ordinance of the governing body of the county in a manner that is consistent with subsections (3) and (4).*

Section 29. Section 348.0008, Florida Statutes, is amended to read:

348.0008 Acquisition of lands and property.—

(1) For the purposes of the Florida Expressway Authority Act, an expressway authority may acquire *such rights, title, or interest in* private or public property and *such* property rights, including *easements,* rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any of the purposes of the Florida Expressway Authority Act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of an expressway system, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the expressway system or in a transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may also condemn any material and property necessary for such purposes.

(2) An authority and its authorized agents, contractors, and employees are authorized to enter upon any lands, waters, and premises, upon giving reasonable notice to the landowner, for the purpose of making surveys, soundings, drillings, appraisals, environmental assessments including phase I and phase II environmental surveys, archaeological assessments, and such other examinations as are necessary for the acquisition of private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings or as are necessary for the authority to perform its duties and functions; and any such entry shall not be deemed a trespass or an entry that would constitute a taking in an eminent domain proceeding. An expressway authority shall make reimbursement for any actual damage to such lands, water, and premises as a result of such activities.

(3)~~(2)~~ The right of eminent domain conferred by the Florida Expressway Authority Act must be exercised by each authority in the manner provided by law.

(4)~~(3)~~ When an authority acquires property for an expressway system or in a transportation corridor as defined in s. 334.03, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This subsection does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. An authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 26, after the semicolon (;) insert: amending s. 337.408, F.S.; providing for regulation of street light poles; amending s. 348.0003, F.S.; authorizing a county governing body to set qualifications, terms of office, and obligations and rights for the members of expressway authorities their jurisdictions; amending s. 348.0008, F.S.; allowing expressway authorities to acquire certain interests in land; providing for expressway authorities and their agents or employees to access public or private property for certain purposes;

Senator Posey moved the following amendment which was adopted:

Amendment 9 (542062)(with title amendment)—On page 13, between lines 10 and 11, insert:

Section 7. Section 334.175, Florida Statutes, is amended to read:

334.175 Certification of project design plans and surveys.—All design plans and surveys prepared by or for the department shall be signed, sealed, and certified by the professional engineer*,* ~~or~~ surveyor*,* ~~or~~ architect*, or landscape architect* in responsible charge of the project work. Such professional engineer, surveyor, ~~or~~ architect*, or landscape architect* must be duly registered in this state.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 334.175, F.S.; adding state-registered landscape architects to the list of design professionals who sign, seal, and certify certain Department of Transportation project plans;

RECONSIDERATION OF AMENDMENT

On motion by Senator Miller, the Senate reconsidered the vote by which **Amendment 4 (891974)** failed.

On motion by Senator Sebesta, further consideration of **CS for CS for CS for SB 502** with pending **Amendment 4 (891974)** was deferred.

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

CS for CS for SB 1586—A bill to be entitled An act relating to education governance; amending s. 39.0015, F.S.; authorizing the State Board of Education to adopt rules relating to child abuse prevention training; amending s. 112.19, F.S.; providing for the State Board of Education to adopt rules and procedures relating to educational benefits provisions for officers killed in the line of duty; amending s. 112.191, F.S.; providing for the State Board of Education to adopt rules and procedures relating to educational benefits provisions for firefighters killed in the line of duty; amending s. 220.187, F.S., relating to corporate tax credit contributions; providing for the State Board of Education to adopt rules; repealing s. 229.001, F.S., which provides for a short title; amending s. 229.002, F.S., relating to the policy and guiding principles for education; removing references to the changes in education governance; establishing legislative policy for decentralized authority to the schools, community colleges, universities, and other institutions; repealing s. 229.003(1),(2), (3), (4), F.S., relating to education governance reorganization; amending s. 229.0031, F.S.; replacing references to the Florida Board of Education with references to the State Board of Education; repealing s. 229.004, F.S., relating to the Florida Board of Education, Commissioner of Education and Secretary of Education; repealing s.

229.005, F.S., relating to governance officers and others; repealing s. 229.006, F.S., relating to the Education Governance Reorganization Transition Task Force; repealing s. 229.0061, F.S., relating to guidelines for implementing Florida's K-20 education system; amending s. 229.007, F.S.; replacing references to the Florida Board of Education with the State Board of Education; eliminating references to the Chancellors; repealing s. 229.0072, F.S., relating to the education reorganization implementation process; repealing s. 229.0073, F.S., relating to the reorganization of the Department of Education; amending s. 229.011, F.S.; providing that public education is a function of the state; reenacting and amending s. 229.012, F.S.; deleting references to the composition and organization of the elected State Board of Education; establishing the composition and organization of the appointed board; reenacting and amending s. 229.053, F.S.; providing changes to the powers and duties of the State Board of Education; providing for the removal of a member of the State Board of Education for cause; providing additional penalties for violations of s. 286.011, F.S.; providing for the appointment of a new member; repealing s. 229.133, F.S., relating to rulemaking by the State Board of Education for career education programs; reenacting and amending s. 229.512, F.S.; revising the powers and duties of the Commissioner of Education; eliminating certain duties; providing responsibilities for community college, college, and university boards of trustees; repealing s. 229.513, F.S., relating to the Commissioner of Education's review of rules and statutes for school district facilities and related matters; repealing s. 229.515, F.S., relating to rulemaking authority to implement certain provisions of the school code; creating s. 229.516, F.S.; providing for additional duties for the Commissioner; reenacting and amending s. 229.551, F.S., relating to educational management; providing references to the K-20 education system and colleges and state universities; eliminating references to the State University System and the Board of Regents and obsolete dates; providing the State Board of Education and the commissioner with specific functions; providing a technical reference for the public records exemption for tests and related documents developed by the Department of Education; changing references from the common course designation and numbering system to the statewide course numbering system; establishing the Articulation Coordinating Committee; providing for the appointment of members; providing for the adoption of rules; amending s. 229.555, F.S.; providing requirements for postsecondary institutions and boards of trustees for community colleges, colleges, and universities; providing responsibilities for the commissioner; amending s. 229.565, F.S.; eliminating references to commissioner's rules; amending s. 229.57, F.S., relating to the student assessment program; eliminating the high school competency test requirement; removing obsolete references; repealing s. 229.5701, F.S., relating to monitoring and reporting on the methodology for identifying student learning gains; amending s. 229.59, F.S.; replacing the reference to rulemaking by the Commissioner of Education with the State Board of Education; reenacting and amending s. 229.592, F.S., relating to implementation of the state system of school improvement and education accountability; revising the waiver process; providing for the State Board of Education to authorize the commissioner to waive certain board rules; removing the requirement for the commissioner to bring pending waivers to the board; revising the status of provisions for schools designated with certain performance grade categories; repealing s. 229.601, F.S., relating to the Florida Career Education Act; amending s. 229.602, F.S.; removing reference to an obsolete date; transferring and renumbering s. 229.604, F.S., relating to the transition to teaching program; transferring and renumbering s. 229.6041, F.S., relating to grants for career changing professionals; transferring and renumbering s. 229.6042, F.S., relating to training program implementation; transferring and renumbering s. 229.6043, F.S., relating to requirements for teacher preparation programs; amending s. 229.805, F.S., relating to educational television; replacing rulemaking by the Commissioner of Education with the State Board of Education; extending the Department of Education's educational television and other media services to universities; amending s. 229.8051, F.S., relating to the public broadcasting system; replacing rulemaking by the Commissioner of Education with the State Board of Education; creating s. 229.8076, F.S.; establishing the Office of Nonpublic Schools and Home Education Programs within the Department of Education; specifying the responsibilities of the office; requiring the Commissioner of Education to appoint an executive director for the office; specifying duties; amending s. 229.8333, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; reenacting s. 229.8341, F.S.; allowing regional diagnostic and learning resource centers to provide services for infants and preschool children; repealing s. 229.8343, F.S., requiring the Department of Education to develop a model rule for denying participation in sports or other extracurricular activities to certain persons who were delinquent in paying a child support obligation; amending ss. 233.015, 233.056, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; revising the reference to the Division of Public Schools and Community Education with the Division of Public Schools; amending s. 233.058, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending ss. 233.39, 236.02, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending s. 236.025, F.S.; replacing rulemaking of the Department of Education with the State Board of Education; amending s. 236.081, F.S.; replacing rulemaking by the commissioner with the State Board of Education; removing an obsolete reference; amending ss. 236.1225, 237.081, 237.211, 237.40, 316.615, F.S.; replacing rulemaking by the Commissioner of Education with the State Board of Education; amending ss. 411.224, 446.609, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; amending s. 489.125, F.S.; replacing rulemaking by the commissioner with the State Board of Education; amending ss. 937.023, 984.05, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; repealing s. 229.0074(3), F.S., relating to the Commission for Independent Education; amending s. 228.041, F.S.; revising definitions in the school code; correcting references; replacing references to rulemaking; amending s. 228.055, F.S.; replacing rulemaking by the Department of Education with the State Board of Education; amending ss. 228.062, 228.195, 230.23, F.S.; replacing rulemaking by the Commissioner with the State Board of Education; amending s. 230.2316, F.S.; eliminating the eligibility for waivers of law by second chance schools; providing for programs to operate under rules adopted by the state board; providing general rulemaking authority for the state board; amending s. 230.23161, F.S.; providing rulemaking authority to the State Board of Education rather than the Department of Education; amending ss. 230.23166, 231.700, 232.01, F.S.; providing for the adoption of rules by the State Board of Education rather than the Commissioner of Education; amending s. 232.0315, F.S.; providing rulemaking authority to the State Board of Education rather than the Department of Education; amending ss. 232.23, 232.245, 232.25, 234.02, 234.301, F.S.; providing rulemaking authority to the State Board of Education rather than the Commissioner of Education; amending s. 229.567, F.S.; providing for school readiness uniform screening; amending s. 229.0074, F.S.; eliminating the Division of Independent Education and the appointment of members to the Commission for Independent Education; amending s. 229.58, F.S.; requiring the establishment of technical center school advisory councils; amending s. 229.8075, F.S.; requiring the Department of Education to use certain data; allowing the use of certain data; providing for rules; repealing s. 229.8052, F.S., relating to the state satellite network; repealing s. 229.008, F.S., relating to the boards of trustees of the state universities; repealing s. 229.0081, F.S., relating to the powers and duties of university boards of trustees; repealing s. 229.0082, F.S., relating to the powers and duties of university presidents; repealing s. 229.76, F.S., relating to functions of the Department of Education; eliminating the requirement for the Department of Education to be located in the Office of the Commissioner of Education and statutory duties for the department; repealing s. 229.8065, F.S., relating to expenditures for Knott Data Center and projects, contracts, and grants programs; amending s. 233.17, F.S.; conforming a statutory cross-reference; requiring the Secretary for the Florida Board of Education to make recommendations; requiring a report; creating s. 229.136, F.S.; providing for the preservation of rules of the State Board of Education, the Commissioner of Education, and the Department of Education; specifying those rules of the Department of Education and the Commissioner of Education that become rules of the State Board of Education and those rules of the elected State Board of Education that become the rules of the appointed State Board of Education; transferring rules of the State Board of Education, the Commissioner of Education, and the Department of Education to the appointed State Board of Education; providing for the preservation of validity of judicial or administrative actions; providing for the substitution of parties; creating the "Education Investment Act"; providing definitions; providing legislative intent for certain investments and enhancements; authorizing certain programs; authorizing improved curriculum; requiring improved counseling ratios in certain schools; authorizing academic preparation tools, including test preparation study skills and advanced writing programs for certain students; authorizing the development of programs through the Internet; providing for separation of open enrollment

programs within schools for certain purposes; authorizing expanded student assistance programs at universities; authorizing fee waivers for students and former students of certain schools; authorizing rules of the Board of Education; authorizing state-funded test-preparation courses for certain students; requiring school districts to develop a plan for a foreign-language curriculum; requiring the Department of Education to prepare a summary of the plans; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 5 (601318)** by Senator Pruitt as amended was adopted.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sullivan, the Senate reconsidered the vote by which **Amendment 1 (811606)** was adopted. **Amendment 1** was withdrawn.

Senator Sullivan moved the following amendment which was adopted:

Amendment 6 (642464)(with title amendment)—On page 120, between lines 10 and 11, insert:

Section 104. *Subsection (7) of section 3 of chapter 2000-321, Laws of Florida, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 4, after the semicolon (;) insert: repealing s. 3(7), ch. 2000-321, L.O.F., relating to repeal of certain sections of the Florida Statutes;

RECONSIDERATION OF AMENDMENT

On motion by Senator Wise, the Senate reconsidered the vote by which **Amendment 2 (954176)** was adopted.

Senator Wise moved the following substitute for **Amendment 2** which was adopted:

Amendment 7 (794046)(with title amendment)—On page 51, line 12, following the period (.) insert: *The Governor shall convene a validity panel to make comprehensive recommendations on the impacts of specific accommodations on statewide assessments to the Florida Board of Education by October 1, 2002. These recommendations must be based on an evaluation and analysis of the types of accommodations that are used for instructional purposes as identified in the student's Individual Education Plan or 504 plan. The recommendations must include a review of the impact of these accommodations on the validity of the statewide assessments and must be based on proven research and evidence. The panel shall consist of 11 members appointed by the Governor, and shall include 3 advocates, 3 parents of students with disabilities, 3 professional educators with expertise in programs for students with disabilities, and 2 assessment and testing experts. Based on the recommendations by the panel, the Florida Board of Education shall develop a list of specific accommodations scientifically determined to have a negative impact on the validity of statewide assessments. The determinations must be made by February 1, 2003.*

And the title is amended as follows:

On page 4, line 10, after the semicolon (;) insert: directing the Governor to appoint a validity panel to make recommendations on the impacts of specific accommodations;

Senator Pruitt moved the following amendment which was adopted:

Amendment 8 (834314)(with title amendment)—On page 120, between lines 10 and 11, insert:

Section 104. *Learning Gateway.—*

(1) PROGRAM GOALS.—The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:

(a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.

(b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers.

(c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.

(d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.

(e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.

(f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.

(b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.

(c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in section 2 of this act through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.

(d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent

of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Florida Partnership for School Readiness, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

(f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect. Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chairman of the steering committee.

(g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under section 112.061, Florida Statutes.

(3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

(a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in section 2 of this act. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

(b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.

(c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.

(d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.

(e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.

(f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.

(g) Addressing system components delineated in section 2 of this act, each demonstration project proposal must include, at a minimum:

1. Protocols for requiring and receiving parental consent for Learning Gateway services.

2. A method for establishing communication with parents and coordination and planning processes within the community.

3. Action steps for making appropriate linkages to existing services within the community.

4. Procedures to determine gaps in services and identify appropriate providers.

5. A lead agency to serve as the system access point, or gateway.

(h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

(i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

Section 105. *Components of the Learning Gateway.—*

(1) The Learning Gateway system consists of the following components:

(a) Community education strategies and family-oriented access.—

1. Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems:

a. Conducting intake with families.

b. Conducting appropriate screening or referral for such services.

c. Conducting needs/strengths-based family assessment.

d. Developing family resource plans.

e. Making referrals for needed services and assisting families in the application process.

f. Providing service coordination as needed by families.

g. Assisting families in establishing a medical home.

h. Conducting case management and transition planning as necessary.

i. Monitoring performance of service providers against appropriate standards.

2. The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

3. In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demonstration projects in developing brochures and other materials to be distributed to parents of newborns.

4. In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based internet web site, as well as opportunities such as those presented by parent visits to physicians for well-child check-ups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

a. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, childcare providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards for kindergarten adopted by the School Readiness Partnership Board.

b. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(b) Screening and developmental monitoring.—

1. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

2. Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

3. Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in accordance with the American Academy of Pediatrics Periodicity Schedule.

4. Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.

5. The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.

6. Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services. After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.

7. In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs. Intervention programs for children, parents, and caregivers include those administered or funded by the:

a. Agency for Health Care Administration;

b. Department of Children and Family Services;

c. Department of Corrections and other criminal justice programs;

d. Department of Education;

e. Department of Health; and

f. Department of Juvenile Justice.

8. When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.

9. The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.

10. Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.

(c) Early education, services and supports.—

1. The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by the steering committee and consistent with effective and proven strategies. The specific services and supports may include:

a. High-quality early education and care programs.

b. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions.

c. Speech and language therapy that is age-appropriate.

d. Parent education and training.

e. Comprehensive medical screening and referral with biomedical interventions as necessary.

f. Referral as needed for family therapy, other mental health services, and treatment programs.

g. Family support services as necessary.

h. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3.

i. Referral for Part B or Part C services as required.

j. Expanded access to community-based services for parents.

k. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

2. Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

3. The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Florida Partnership for School Readiness, shall identify the elements of an effective research-based curriculum for early care and education programs.

4. The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.

5. The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.

6. Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the demonstration projects in securing state and federal waivers as appropriate.

Section 106. *Accountability.—*

(1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.

(2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.

(3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

(4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:

(a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;

(b) Improve early identification of those who are at risk for learning problems and learning disabilities;

(c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;

(d) Improve and coordinate screening for children from birth through age 9;

(e) Improve and coordinate services for children from birth through age 9;

(f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;

(g) Provide appropriate support to families;

(h) Share best practices with caregivers and referral sources;

(i) Address resource needs of the assessment and intervention system; and

(j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

Section 107. *The Legislature shall appropriate a sum of money to fund the demonstration programs and shall authorize selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 4, after the semicolon (;) insert: authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding;

Senator Campbell moved the following amendment which was adopted:

Amendment 9 (944386)(with title amendment)—On page 120, between lines 10 and 11, insert:

Section 104. Section 233.0612, Florida Statutes, is amended to read:

233.0612 Authorized instruction.—Each school district may provide students with programs and instruction at the appropriate grade levels in areas including, but not limited to, the following:

(1) Character development, ethics, and law education.

(2) The objective study of the Bible and religion.

(3) Traffic education.

(4) Free enterprise and consumer education.

(5) Programs to encourage patriotism and greater respect for country.

(6) Drug abuse resistance education.

(7) Comprehensive health education.

(8) Care of nursing home patients.

(9) Instruction in acquired immune deficiency syndrome.

(10) Voting instruction, including the use of county voting machines.

(11) Before-school and after-school programs.

(12) The historical and present-day adverse ramifications on society and on individuals themselves of discrimination against classes of persons based on their identity or expression of race, color, religion, national origin, marital status, sex or gender, handicap, or sexual orientation, for purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 4, following the semicolon (;) insert: amending s. 233.0612, F.S.; providing for instruction in the history and current ramifications of discrimination;

Senator Sullivan moved the following amendment which was adopted:

Amendment 10 (493446)—On page 116, line 19 and on page 117, line 1, after "*PSAT*" insert: *or PLAN*

Senator Sebesta moved the following amendment which was adopted:

Amendment 11 (751894)(with title amendment)—On page 120, between lines 10 and 11, insert:

Section 104. *Each district school board and county supervisor of elections should cooperate to provide voter education to high-school students who are in grade 12. This educational effort should include instruction in the responsibilities of voters, how to vote, how and when to preregister, and how to use voting machines. Students who have satisfactorily completed the instruction should be allowed to preregister to vote. Such instruction should take place during school hours, for instance during a senior assembly or other such event, so as to facilitate focusing on 12th-graders.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 4, after the semicolon (;) insert: providing that district school boards and county supervisors of elections should jointly provide a program of voter education for high-school seniors; providing guidelines for the content of the educational program;

RECONSIDERATION OF AMENDMENT

On motion by Senator Wise, the Senate reconsidered the vote by which **Amendment 9 (944386)** was adopted. **Amendment 9** failed. The vote was:

Yeas—9

Campbell	Jones	Saunders
Dyer	Klein	Smith
Geller	Miller	Wasserman Schultz

Nays—20

Brown-Waite	Garcia	Sanderson
Burt	King	Sebesta
Clary	Lawson	Sullivan
Constantine	Lee	Villalobos
Cowin	Peaden	Webster
Crist	Posey	Wise
Diaz de la Portilla	Pruitt	

Pursuant to Rule 4.19, **CS for CS for SB 1586** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by unanimous consent—

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 re-

newed; 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.

—was taken up out of order and read the second time by title.

SENATOR BROWN-WAITE PRESIDING

Amendments were considered and adopted to conform **CS for SB 1132** to **HB 1977**.

THE PRESIDENT PRESIDING

Pending further consideration of **CS for SB 1132** as amended, on motion by Senator Garcia, by two-thirds vote **HB 1977** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1977—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, and 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 and 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; 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, and 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; amending s. 287.095, F.S.; providing requirements for certain products produced by a certain corporation; providing an exception; repealing s. 287.121, F.S., relating to assistance by the Department of Legal Affairs; amending ss. 287.133 and 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 and 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. 413.033, F.S.; revising a definition; amending s. 413.035, F.S.; providing content requirements for certain products; 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; limiting purchases of products or services by state agencies from sources other than the nonprofit agency for the blind or severely handicapped under certain circumstances; amending s. 413.037, F.S., to conform; repealing s. 413.034, F.S., relating to the Commission for Purchase from the Blind or Other Severely Handicapped; providing an effective date.

—a companion measure, was substituted for **CS for SB 1132** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1977** was placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 1588—A bill to be entitled An act relating to a public-records exemption for social security numbers; creating s. 119.072, F.S.; creating an exemption from public-records requirements for all social security numbers held by an agency or its agents, employees, or contractors; providing exceptions to the exemption; providing conditions under which social security numbers may be provided to a commercial entity; providing for civil and criminal penalties; providing for review of social security numbers collected prior to the effective date of the exemption; restricting the release of social security numbers contained in official records; providing certain notice requirements and requiring publication of notice by county recorders; requiring annual agency reports; providing for future review and repeal; providing retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

—which was previously considered March 18. Pending **Amendment 1 (702108)** by Senator Burt was adopted.

SENATOR ROSSIN PRESIDING

Pending further consideration of **CS for CS for SB 1588** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 1673** was withdrawn from the Committees on Governmental Oversight and Productivity; Judiciary; and Rules and Calendar.

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

CS for HB 1673—A bill to be entitled An act relating to a public records exemption for social security numbers; creating s. 119.072, F.S.; creating an exemption from public records requirements for all social security numbers held by an agency or its agents, employees, or contractors; providing exceptions to the exemption; providing conditions under which social security numbers may be provided to a commercial entity; providing for civil and criminal penalties; providing requirements and restrictions with respect to collection and disclosure of social security numbers by an agency; providing for review of social security numbers collected prior to the effective date of the exemption; restricting the release of social security numbers contained in official records; providing certain notice requirements and requiring publication of notice by county recorders; requiring annual agency reports; providing for future review and repeal; providing retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1588** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1673** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer, by unanimous consent—

SB 2454—A bill to be entitled An act relating to electric personal assistive mobility devices; amending s. 316.003, F.S.; defining the term "electric personal assistive mobility device"; creating s. 316.2068, F.S.; providing regulations for electric personal assistive mobility devices; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Dyer and adopted:

Amendment 1 (215056)—On page 2, line 15, delete "*(d)*" and insert: *(e)*

Pursuant to Rule 4.19, **SB 2454** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, by two-thirds vote **HB 1963** was withdrawn from the Committee on Natural Resources.

On motion by Senator Brown-Waite, by unanimous consent—

HB 1963—A bill to be entitled An act relating to the Florida Coastal Management Program; amending ss. 380.205, 380.24, and 380.285, F.S.; transferring all powers, duties, and functions of the Florida Coastal Management Program from the Department of Community Affairs to the Department of Environmental Protection; providing an effective date.

—a companion measure, was taken up out of order and substituted for **CS for SB 1064** and read the second time by title.

Pursuant to Rule 4.19, **HB 1963** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt, by unanimous consent—

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

—was taken up out of order and read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 668** to **CS for HB 1679**.

Pending further consideration of **CS for CS for SB 668** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 1679** was withdrawn from the Committees on Judiciary; and Appropriations.

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

CS for HB 1679—A bill to be entitled An act relating to public records; creating the Study Committee on Public Records; providing for membership and organization of the committee; providing purpose, duties, and responsibilities of the committee; requiring a report; providing for expiration of the committee; amending s. 28.2221, F.S., relating to electronic access to official records; revising declared state purpose with respect to such access; providing limitations with respect to a specified Internet index of documents; providing that county recorders may not place images or copies of specified public records on a publicly available Internet website for general public display; requiring that such records placed on the Internet prior to the effective date of the act be removed upon request; providing certain notice requirements and requiring publication of notice by county recorders and clerks of the court; providing that affected persons may petition the court for an order of compliance; requiring clerks of court to provide for electronic retrieval of images of certain documents by a specified date; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 668** as amended and by two-thirds vote, read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1679** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by unanimous consent—

CS for CS for CS for SB 316—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, 943.171, F.S.; redefining the terms "domestic violence" and "family or household member"; amending s. 28.101, F.S.; increasing an additional charge for a dissolution of marriage petition; amending ss. 390.01115, 470.002, 626.9541, 641.3903, F.S.; conforming cross-references; amending s. 741.281, F.S.; eliminating the requirement that a court order certain defendants to attend a batterers' intervention program; amending s.

741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; specifying where the petition may be filed; prohibiting a filing fee for such petition; providing for reimbursement to the clerks of the circuit courts, subject to legislative appropriation; providing for incidents that describe violence or threats of violence; specifying when a court may grant relief; prescribing factors for the court to consider in determining imminent danger; providing for recording of proceedings; providing for the presence of an advocate from a state attorney's office, law enforcement agency, or domestic violence center at injunction proceedings, upon request; amending s. 741.31, F.S.; specifying additional acts that violate an injunction against domestic violence; providing a penalty; amending s. 784.046, F.S.; providing for actions by victims of dating violence; providing a definition; providing a cause of action for an injunction for protection in cases of dating violence; providing a procedure for filing a petition; providing for a hearing and temporary or final judgment; redesignating the Domestic and Repeat Violence Injunction Statewide Verification System as the Domestic, Dating, and Repeat Violence Injunction Statewide Verification System; providing for notice to the sheriff; amending ss. 784.047, 784.048, F.S.; providing penalties for violating an injunction for protection against dating violence; including a violation of such injunction constitutes the offense of aggravated stalking; providing a penalty; amending s. 39.903, F.S.; requiring the Department of Children and Family Services to operate the domestic violence program; specifying program purposes; repealing s. 741.466, F.S., relating to the "Prevention of Domestic and Sexual Violence Program"; amending s. 938.01, F.S.; specifying the amount of funds available for use by the Department of Children and Family Services and the Department of Law Enforcement; repealing s. 4(2) of ch. 2001-184, Laws of Florida, and s. 7(2) of ch. 2001-232, Laws of Florida, relating to funding for the Prevention of Domestic and Sexual Violence Program; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (482776)—On page 14, delete line 28 and insert: *....committed an act of animal cruelty as defined in s. 828.27(1)(d), Florida Statutes.*

Amendment 2 (695454)—On page 18, lines 26 and 27, delete "*intentionally injured or killed a family pet*" and insert: *committed an act of animal cruelty as defined in s. 828.27(1)(d), Florida Statutes*

Amendment 3 (501302)—On page 23, line 15 through page 32, line 21, delete those lines and insert:

784.046 Action by victim of repeat violence *or dating violence* for protective injunction; powers and duties of court and clerk of court; filing and form of petition; notice and hearing; temporary injunction; issuance; statewide verification system; enforcement.—

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

(a) "Violence" means any assault, *aggravated assault,* battery, *aggravated battery, sexual assault,* sexual battery, ~~or~~ stalking*, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death* by a person against any other person.

(b) "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

(c) "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A substantive dating relationship must have existed within the past 6 months;

2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and

3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

(2) There is created a cause of action for an injunction for protection in cases of repeat violence *and there is created a separate cause of action for an injunction for protection in cases of dating violence*.

(a) Any person who is the victim of repeat violence or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against repeat violence on behalf of the minor child has standing in the circuit court to file a sworn petition for an injunction for protection against repeat violence.

(b) Any person, who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child, has standing in the circuit court to file a sworn petition for an injunction for protection against dating violence.

(c)~~(b)~~ This cause of action for an injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.

(d)~~(c)~~ This cause of action for an injunction shall not require that the petitioner be represented by an attorney.

(3)(a) The clerk of the court shall provide a copy of this section, simplified forms, and clerical assistance for the preparation and filing of such a petition by any person who is not represented by counsel.

(b) In the event the person desiring to file for an injunction pursuant to this section does not have sufficient funds with which to pay filing fees to the clerk of the court or service fees to the sheriff or law enforcement agency and signs an affidavit so stating, the fees shall be waived by the clerk of the court or the sheriff or law enforcement agency to the extent necessary to process the petition and serve the injunction, subject to a subsequent order of the court relative to the payment of such fees.

(c) No bond shall be required by the court for the entry of an injunction.

(d) The clerk of the court shall provide the petitioner with a certified copy of any injunction for protection against repeat violence *or dating violence* entered by the court.

(4)(a) The sworn petition shall allege the incidents of repeat violence *or dating violence* and shall include the specific facts and circumstances which form the basis upon which relief is sought. With respect to a minor child who is living at home, the parent or legal guardian of the minor child must have been an eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific facts and circumstances which form the basis upon which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR INJUNCTION FOR
PROTECTION AGAINST REPEAT VIOLENCE *OR DATING VIOLENCE*

Before me, the undersigned authority, personally appeared Petitioner (Name), who has been sworn and says that the following statements are true:

1. Petitioner resides at (address)

2. Respondent resides at (address)

3.*a.* Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has: (enumerate incidents of violence)

. . . . . .
. . . . . .
. . . . . .

b. Petitioner is a victim of dating violence and has reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of dating violence as demonstrated by the fact that the respondent has: (list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship.)

. . . . . .
. . . . . .
. . . . . .

4. Petitioner genuinely fears repeat violence by the respondent.

5. Petitioner seeks: an immediate injunction against the respondent, enjoining him or her from committing any further acts of ~~repeat~~ violence; an injunction enjoining the respondent from committing any further acts of ~~repeat~~ violence; and an injunction providing any terms the court deems necessary for the protection of the petitioner and the petitioner's immediate family, including any injunctions or directives to law enforcement agencies.

(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, notice of hearing, and temporary injunction, if any, prior to the hearing.

(6)(a) When it appears to the court that an immediate and present danger of ~~repeat~~ violence exists, the court may grant a temporary injunction which may be granted in an ex parte hearing, pending a full hearing, and may grant such relief as the court deems proper, including an injunction enjoining the respondent from committing any acts of ~~repeat~~ violence.

(b) In a hearing ex parte for the purpose of obtaining such temporary injunction, no evidence other than the verified pleading or affidavit shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the ex parte injunction and the full hearing before or during a hearing, for good cause shown by any party.

(7) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

(a) Enjoining the respondent from committing any acts of violence.

(b) Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies, as provided in this section.

(c) The terms of the injunction shall remain in full force and effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against repeat violence *or dating violence* entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date that the respondent was served with the temporary or final order, if obtainable.

(8)(a)1. The clerk of the court shall furnish a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the chief judge's jurisdiction to effect this type of service and to receive a portion of the service fee. No person shall be authorized or permitted to serve or execute an injunction issued under this section unless the person is a law enforcement officer as defined in chapter 943.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against repeat violence *or dating violence*, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

(b) There shall be created a Domestic*, Dating,* and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions*, dating violence injunctions,* and repeat violence inunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

(c)1. Within 24 hours after the court issues an injunction for protection against repeat violence *or dating violence* or changes or vacates an injunction for protection against repeat violence *or dating violence*, the clerk of the court must forward a copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner.

2. Within 24 hours after service of process of an injunction for protection against repeat violence *or dating violence* upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against repeat violence *or dating violence*, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5. Within 24 hours after an injunction for protection against repeat violence *or dating violence* is lifted, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff or local law enforcement agency receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(9)(a) The court shall enforce, through a civil or criminal contempt proceeding, a violation of an injunction for protection. The court may enforce the respondent's compliance with the injunction by imposing a monetary assessment. The clerk of the court shall collect and receive such assessments. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Crimes Compensation Trust Fund established in s. 960.21.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(10) for committing an act of repeat violence *or dating violence* in violation of a repeat *or dating* violence injunction for protection, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

(10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

(11) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.

Senator Saunders moved the following amendment:

Amendment 4 (732154)(with title amendment)—On page 3, line 20 through page 4, line 2, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 5-7, delete those lines and insert: "family or household member";

On motion by Senator Saunders, further consideration of **CS for CS for CS for SB 316** with pending **Amendment 4 (732154)** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator King, by unanimous consent—

CS for SB 1844—A bill to be entitled An act relating to technology development; creating s. 240.72, F.S.; creating the "Florida Technology Development Act"; defining terms; creating the Emerging Technology Commission; providing for membership, powers, and duties of the commission; providing for Florida Research Consortium, Inc., to report to the commission regarding factors contributing to the success of the creation of a center of excellence; requiring the commission to develop and approve criteria for evaluating proposals related to the creation of centers of excellence; requiring the commission to solicit such proposals from state universities; requiring the commission to submit recommended plans to the State Board of Education for establishing centers of excellence in the state; providing for the State Board of Education to develop and approve a final plan for establishing centers of excellence in the state and authorize expenditures for plan implementation; providing commission reporting requirements; providing an expiration date; providing an appropriation for commission staff support and certain administrative expenses; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Klein moved the following amendments which were adopted:

Amendment 1 (340276)(with title amendment)—On page 3, line 8 through page 4, line 9, delete those lines and insert:

(2) "Center of excellence," as used in this section, means an organization of personnel, facilities, and equipment established at or in collaboration with one or more universities in Florida to accomplish the purposes and objectives of this section. The purposes and objectives of a center of excellence include:

(a) Identifying and pursuing opportunities for university scholars, research center scientists and engineers, and private businesses to form collaborative partnerships to foster and promote the research required to develop commercially promising, advanced, and innovative technologies and to transfer those technologies to commercial sectors.

(b) Acquiring and leveraging public and private-sector funding to provide the totality of funds, personnel, facilities, equipment, and other resources needed to support the research required to develop commercially promising, advanced, and innovative technologies and to transfer those technologies to commercial sectors.

(c) Recruiting and retaining world-class scholars, high-performing students, and leading scientists and engineers in technology disciplines to engage in research in this state to develop commercially promising, advanced, and innovative technologies.

(d) Enhancing and expanding technology curricula and laboratory resources at universities and research centers in this state.

(e) Increasing the number of high-performing students in technology disciplines who graduate from universities in this state and pursue careers in this state.

(f) Stimulating and supporting the inception, growth, and diversification of technology-based businesses and ventures in Florida and increasing employment opportunities for the workforce needed to support such businesses.

(3) Subject to legislative appropriation, the Emerging Technology Commission, or "commission," is created within the Executive Office of the Governor to guide the establishment of centers of excellence.

And the title is amended as follows:

On page 1, delete line 4 and insert: Technology Development Act"; providing a definition; providing purposes and objectives of a center of excellence;

Amendment 2 (382282)—On page 7, line 25, delete "*$25*" and insert: *$10*

Amendment 3 (095918)(with title amendment)—On page 8, between lines 16 and 17, insert:

Section 3. Subsection (10) of section 159.705, Florida Statutes, is amended to read:

159.705 Powers of the authority.—The authority is authorized and empowered:

(10) Other provisions of law to the contrary notwithstanding, to acquire by lease, without consideration, purchase, or option any lands owned, administered, managed, controlled, supervised, or otherwise protected by the state or any of its agencies, departments, boards, or commissions for the purpose of establishing a research and development park, subject to being first designated a research and development authority under the provisions of ss. 159.701-159.7095. The authority may cooperate with state and local political subdivisions and with private profit and nonprofit entities to implement the public purposes set out in s. 159.701. Such cooperation may include agreements for the use of the resources of state and local political subdivisions, agencies, or entities on a fee-for-service basis or on a cost-recovery basis. *Notwithstanding any other provision of this chapter, a project that is located in a research and development park and is financed under the provisions of the Florida Industrial Development Financing Act may be operated by a research and development authority, a state university, a Florida community college, or a governmental agency if the purpose and operation of the project is consistent with the purposes and policies specified in ss. 159.701–159.7095.*

Section 4. Section 445.045, Florida Statutes, is amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(1) *Workforce Florida, Inc., is responsible for directing* ~~The Department of Labor and Employment Security shall facilitate efforts to ensure~~ the development and maintenance of a website that promotes and markets the information technology industry in this state. The website shall be designed to inform the public concerning the scope of the information technology industry in the state and shall also be designed to address the workforce needs of the industry. The website shall include, through links or actual content, information concerning information technology businesses in this state, including links to such businesses; information concerning employment available at these businesses; and the means by which a jobseeker may post a resume on the website.

(2) *Workforce Florida, Inc.,* ~~The Department of Labor and Employment Security~~ shall coordinate with the State Technology Office and the

Agency for Workforce Innovation ~~Workforce Development Board of Enterprise Florida, Inc.,~~ to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

(3) Workforce Florida, Inc., shall ensure that the website developed and maintained under this section is consistent, compatible, and coordinated with the workforce information systems required under s. 445.011, including, but not limited to, the automated job-matching information system for employers, job seekers, and other users.

(4)(a) Workforce Florida, Inc., shall coordinate development and maintenance of the website under this section with the state's Chief Information Officer in the State Technology Office to ensure compatibility with the state's information system strategy and enterprise architecture.

(b) Workforce Florida, Inc., may enter into an agreement with the State Technology Office, the Agency for Workforce Innovation, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

(c) Workforce Florida, Inc., may procure services necessary to implement the provisions of this section, if it employs competitive processes, including requests for proposals, competitive negotiation, and other competitive processes to ensure that the procurement results in the most cost-effective investment of state funds.

(5) In furtherance of the requirements of this section that the website promote and market the information technology industry by communicating information on the scope of the industry in this state, Workforce Florida, Inc., shall coordinate its efforts with the high-technology industry marketing efforts of Enterprise Florida, Inc., under s. 288.911. Through links or actual content, the website developed under this section shall serve as a forum for distributing the marketing campaign developed by Enterprise Florida, Inc., under s. 288.911. In addition, Workforce Florida, Inc., shall solicit input from the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida.

(6) In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the Agency for Workforce Innovation. The agency is authorized and directed to provide the services that Workforce Florida, Inc., and the agency consider necessary to implement this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: amending s. 159.705, F.S.; specifying that certain entities may operate a project located in a research and development park and financed under the Florida Industrial Development Financing Act; amending s. 445.045, F.S.; reassigning responsibility for development and maintenance of an information technology promotion and workforce recruitment website to Workforce Florida, Inc.; requiring consistency and compatibility with other information systems; authorizing Workforce Florida, Inc., to secure website services from outside entities; requiring coordination of the information technology website with other marketing, promotion, and advocacy efforts; authorizing Workforce Florida, Inc., to act through the Agency for Workforce Innovation in fulfilling its responsibilities related to the website; directing the agency to provide services to Workforce Florida, Inc.;

Senator Pruitt moved the following amendment which was adopted:

Amendment 4 (434466)(with title amendment)—On page 8, between lines 16 and 17, insert:

Section 3. *Learning Gateway.—*

(1) PROGRAM GOALS.—The Legislature authorizes a 3-year demonstration program, to be called the Learning Gateway, the purpose of which is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Parental consent shall be required for initial contact and referral for evaluation and services provided through the Learning Gateway. Each pilot program must design and test an integrated, community-based system to help parents identify learning problems and access early-education and intervention services in order to minimize or prevent learning disabilities. The Learning Gateway must be available to parents in the settings where they and their children live, work, seek care, or study. The goals of the Learning Gateway are to:

(a) Improve community awareness and education of parents and practitioners about the warning signs or precursors of learning problems and learning disabilities, including disorders or delayed development in language, attention, behavior, and social-emotional functioning, including dyslexia and attention deficit hyperactivity disorder, in children from birth through age 9.

(b) Improve access for children who are experiencing early learning problems and their families to appropriate programs, services, and supports through improved outreach and referral processes among providers.

(c) Improve developmental monitoring and the availability to parents of appropriate screening resources, with emphasis on children from birth through age 9 who are at high risk of having learning problems.

(d) Improve the availability to parents of appropriate education and intervention programs, services, and supports to address learning problems and learning disabilities.

(e) Identify gaps in the array of services and supports so that an appropriate child-centered and family-centered continuum of education and support would be readily available in each community.

(f) Improve accountability of the system through improved planning, integration, and collaboration among providers and through outcome measurement in collaboration with parents.

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(a) To ensure that parents of children with potential learning problems and learning disabilities have access to the appropriate necessary services and supports, an 18-member steering committee is created. The steering committee is assigned to the Department of Education for administrative purposes.

(b) The duties of the Learning Gateway Steering Committee are to provide policy development, consultation, oversight, and support for the implementation of three demonstration programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.

(c) The steering committee shall direct the administering agency of the Learning Gateway program to expend the funds appropriated for the steering committee's use to procure the products delineated in section 4 of this act through contracts or other means. The steering committee and the Learning Gateway pilot programs will provide information and referral for services but will not provide direct services to parents or children.

(d) The steering committee must include parents, service providers, and representatives of the disciplines relevant to diagnosis of and intervention in early learning problems. The Governor shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in children's vision, one member who has expertise in learning disabilities, one member who has expertise in audiology, one member who is a parent of a child eligible for services by the Learning Gateway, and one provider of related diagnostic and intervention services. The President of the Senate shall appoint one member from the private sector who has expertise in communications, management or service provision, one member who has expertise in emergent literacy, one member who has expertise in pediatrics, one member who has expertise in brain development, one member who is a parent of a child eligible for services by the Learning Gateway, and one member who is a provider of related diagnostic and intervention services. The Speaker of the House of Representatives shall appoint one member from the private sector who has expertise in communications, manage-

ment or service provision, one member who has expertise in environmental health and allergies, one member who has expertise in children's nutrition, one member who has expertise in family medicine, one parent of a child eligible for services by the Learning Gateway, and one member who is a school psychologist providing diagnostic and intervention services.

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Florida Partnership for School Readiness, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

(f) Steering committee appointments must be made, and the committee must hold its first meeting, within 90 days after this act takes effect. Steering committee members shall be appointed to serve a term of 3 years. The Governor shall designate the chairman of the steering committee.

(g) Steering committee members shall not receive compensation for their services, but may receive reimbursement for travel expenses incurred under section 112.061, Florida Statutes.

(3) LEARNING GATEWAY DEMONSTRATION PROJECTS.—

(a) Within 90 days after its initial meeting, the Learning Gateway Steering Committee shall accept proposals from interagency consortia in Orange, Manatee, and St. Lucie counties which comprise public and private providers, community agencies, business representatives, and the local school board in each county to serve as demonstration sites for design and development of a system that addresses the requirements in section 4 of this act. If there is no proposal from one of the designated counties, the steering committee may select another county to serve as a demonstration site by majority vote.

(b) The proposals for demonstration projects must provide a comprehensive and detailed description of the system of care. The description of the proposed system of care must clearly indicate the point of access for parents, integration of services, linkages of providers, and additional array of services required to address the needs of children and families.

(c) The demonstration projects should ensure that the system of care appropriately includes existing services to the fullest extent possible and should determine additional programs, services, and supports that would be necessary to implement the requirements of this act.

(d) The projects, in conjunction with the steering committee, shall determine what portion of the system can be funded using existing funds, demonstration funds provided by this act, and other available private and community funds.

(e) The demonstration projects shall recommend to the steering committee the linking or combining of some or all of the local planning bodies, including school readiness coalitions, Healthy Start coalitions, Part C advisory councils, Department of Children and Family Services community alliances, and other boards or councils that have a primary focus on services for children from birth to age 9, to the extent allowed by federal regulations, if such changes would improve coordination and reduce unnecessary duplication of effort.

(f) Demonstration projects shall use public and private partnerships, partnerships with faith-based organizations, and volunteers, as appropriate, to enhance accomplishment of the goals of the system.

(g) Addressing system components delineated in section 4 of this act, each demonstration project proposal must include, at a minimum:

1. Protocols for requiring and receiving parental consent for Learning Gateway services.

2. A method for establishing communication with parents and coordination and planning processes within the community.

3. Action steps for making appropriate linkages to existing services within the community.

4. Procedures to determine gaps in services and identify appropriate providers.

5. A lead agency to serve as the system access point, or gateway.

(h) As authorized under the budget authority of the Department of Education, demonstration projects, representative of the diversity of the communities in this state, shall be established in Manatee, Orange, and St. Lucie counties as local Learning Gateway sites and shall be authorized to hire staff, establish office space, and contract for administrative services as needed to implement the project within the budget designated by the Legislature.

(i) The steering committee must approve, deny, or conditionally approve a Learning Gateway proposal within 60 days after receipt of the proposal. If a proposal is conditionally approved, the steering committee must assist the Learning Gateway applicant to correct deficiencies in the proposal by December 1, 2002. Funds must be available to a pilot program 15 days after final approval of its proposal by the steering committee. Funds must be available to all pilot programs by January 1, 2003.

Section 4. *Components of the Learning Gateway.—*

(1) The Learning Gateway system consists of the following components:

(a) Community education strategies and family-oriented access.—

1. Each local demonstration project shall establish the system access point, or gateway, by which parents can receive information about available appropriate services. An existing public or private agency or provider or new provider may serve as the system gateway. The local Learning Gateway should provide parents and caretakers with a single point of access for screening, assessment, and referral for services for children from birth through age 9. The demonstration projects have the budgetary authority to hire appropriate personnel to perform administrative functions. These staff members must be knowledgeable about child development, early identification of learning problems and learning disabilities, family service planning, and services in the local area. Each demonstration project must arrange for the following services to be provided by existing service systems:

a. Conducting intake with families.

b. Conducting appropriate screening or referral for such services.

c. Conducting needs/strengths-based family assessment.

d. Developing family resource plans.

e. Making referrals for needed services and assisting families in the application process.

f. Providing service coordination as needed by families.

g. Assisting families in establishing a medical home.

h. Conducting case management and transition planning as necessary.

i. Monitoring performance of service providers against appropriate standards.

2. The Learning Gateway Steering Committee and demonstration projects shall designate a central information and referral access phone number for parents in each pilot community. This centralized phone number should be used to increase public awareness and to improve access to local supports and services for children from birth through age 9 and their families. The number should be highly publicized as the primary source of information on services for young children. The telephone staff should be trained and supported to offer accurate and complete information and to make appropriate referrals to existing public and private community agencies.

3. In collaboration with local resources such as Healthy Start, the demonstration projects shall develop strategies for offering hospital visits or home visits by trained staff to new mothers. The Learning Gateway Steering Committee shall provide technical assistance to local demon-

stration projects in developing brochures and other materials to be distributed to parents of newborns.

4. In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based internet web site, as well as opportunities such as those presented by parent visits to physicians for well-child check-ups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

a. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, childcare providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards for kindergarten adopted by the School Readiness Partnership Board.

b. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(b) Screening and developmental monitoring.—

1. In coordination with the Partnership for School Readiness, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

2. Based on the guidelines established by the steering committee and in cooperation with the Florida Pediatric Society, the steering committee shall adopt a comprehensive checklist for child healthcare checkups and a corresponding training package for physicians and other medical personnel in implementing more effective screening for precursors of learning problems, learning disabilities, and mild developmental delays.

3. Using the screening guidelines developed by the steering committee, local demonstration projects should engage local physicians and other medical professionals in enhancing the screening opportunities presented by immunization visits and other well-child appointments, in accordance with the American Academy of Pediatrics Periodicity Schedule.

4. Using the screening guidelines developed by the steering committee, the demonstration projects shall develop strategies to increase early identification of precursors to learning problems and learning disabilities through providing parents the option of improved screening and referral practices within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams to assist program providers and teachers. The program shall collaborate appropriately with the school readiness coalitions, local school boards, and other community resources in arranging training and technical assistance for early identification and screening with parental consent.

5. The demonstration project shall work with appropriate local entities to reduce the duplication of cross-agency screening in each demonstration project area. Demonstration projects shall provide opportunities for public and private providers of screening and assessment at each age level to meet periodically to identify gaps or duplication of efforts in screening practices.

6. Based on technical assistance and support provided by the steering committee and in conjunction with the school readiness coalitions and other appropriate entities, demonstration projects shall develop a system to log the number of children screened, assessed, and referred for services. After development and testing, tracking should be supported by a standard electronic data system for screening and assessment information.

7. In conjunction with the technical assistance of the steering committee, demonstration projects shall develop a system for targeted screening. The projects should conduct a needs assessment of existing services and programs where targeted screening programs should be offered. Based on the results of the needs assessment, the project shall develop procedures within the demonstration community whereby periodic developmental screening could be offered to parents of children from birth through age 9 who are served by state intervention programs or whose parents or caregivers are in state intervention programs. Intervention programs for children, parents, and caregivers include those administered or funded by the:

a. Agency for Health Care Administration;

b. Department of Children and Family Services;

c. Department of Corrections and other criminal justice programs;

d. Department of Education;

e. Department of Health; and

f. Department of Juvenile Justice.

8. When results of screening suggest developmental problems, potential learning problems, or learning disabilities, the intervention program shall inform the child's parent of the results of the screening and shall offer to refer the child to the Learning Gateway for coordination of further assessment. If the parent chooses to have further assessment, the Learning Gateway shall make referrals to the appropriate entities within the service system.

9. The local Learning Gateway shall provide for followup contact to all families whose children have been found ineligible for services under Part B or Part C of the IDEA to inform them of other services available in the county.

10. Notwithstanding any law to the contrary, each agency participating in the Learning Gateway is authorized to provide to a Learning Gateway program confidential information exempt from disclosure under chapter 119, Florida Statutes, regarding a developmental screening on any child participating in the Learning Gateway who is or has been the subject of a developmental screening within the jurisdiction of each agency.

(c) Early education, services and supports.—

1. The demonstration projects shall develop a conceptual model system of care that builds upon, integrates, and fills the gaps in existing services. The model shall indicate how qualified providers of family-based or center-based interventions or public and private school personnel may offer services in a manner consistent with the standards established by their profession and by the standards and criteria adopted by the steering committee and consistent with effective and proven strategies. The specific services and supports may include:

a. High-quality early education and care programs.

b. Assistance to parents and other caregivers, such as home-based modeling programs for parents and play programs to provide peer interactions.

c. Speech and language therapy that is age-appropriate.

d. Parent education and training.

e. Comprehensive medical screening and referral with biomedical interventions as necessary.

f. Referral as needed for family therapy, other mental health services, and treatment programs.

g. Family support services as necessary.

h. Therapy for learning differences in reading and math, and attention to subject material for children in grades K-3.

i. Referral for Part B or Part C services as required.

j. Expanded access to community-based services for parents.

k. Parental choice in the provision of services by public and private providers.

The model shall include a statement of the cost of implementing the model.

2. Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

3. The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Florida Partnership for School Readiness, shall identify the elements of an effective research-based curriculum for early care and education programs.

4. The steering committee, in conjunction with the demonstration projects, shall develop processes for identifying and sharing promising practices and shall showcase these programs and practices at a dissemination conference.

5. The steering committee shall establish processes for facilitating state and local providers' ready access to information and training concerning effective instructional and behavioral practices and interventions based on advances in the field and for encouraging researchers to regularly guide practitioners in designing and implementing research-based practices. The steering committee shall assist the demonstration projects in conducting a conference for participants in the three demonstration projects for the dissemination of information on best practices and new insights about early identification, education, and intervention for children from birth through age 9. The conference should be established so that continuing education credits may be awarded to medical professionals, teachers, and others for whom this is an incentive.

6. Demonstration projects shall investigate and may recommend to the steering committee more effective resource allocation and flexible funding strategies if such strategies are in the best interest of the children and families in the community. The Department of Education and other relevant agencies shall assist the demonstration projects in securing state and federal waivers as appropriate.

Section 5. *Accountability.—*

(1) The steering committee shall provide information to the School Readiness Estimating Conference and the Enrollment Conference for Public Schools regarding estimates of the population of children from birth through age 9 who are at risk of learning problems and learning disabilities.

(2) The steering committee, in conjunction with the demonstration projects, shall develop accountability mechanisms to ensure that the demonstration programs are effective and that resources are used as efficiently as possible. Accountability should be addressed through a multilevel evaluation system, including measurement of outcomes and operational indicators. Measurable outcomes must be developed to address improved child development, improved child health, and success in school. Indicators of system improvements must be developed to address quality of programs and integration of services. Agency monitoring of programs shall include a review of child and family outcomes and system effectiveness indicators with a specific focus on elimination of unnecessary duplication of planning, screening, and services.

(3) The steering committee shall oversee a formative evaluation of the project during implementation, including reporting short-term outcomes and system improvements. By January 2005, the steering committee shall make recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education related to the merits of expansion of the demonstration projects.

(4) By January 1, 2005, the steering committee, in conjunction with the demonstration projects, shall develop a model county-level strategic plan to formalize the goals, objectives, strategies, and intended outcomes of the comprehensive system, and to support the integration and efficient delivery of all services and supports for parents of children from birth through age 9 who have learning problems or learning disabilities. The model county-level strategic plan must include, but need not be limited to, strategies to:

(a) Establish a system whereby parents can access information about learning problems in young children and receive services at their discretion;

(b) Improve early identification of those who are at risk for learning problems and learning disabilities;

(c) Provide access to an appropriate array of services within the child's natural environment or regular classroom setting or specialized training in other settings;

(d) Improve and coordinate screening for children from birth through age 9;

(e) Improve and coordinate services for children from birth through age 9;

(f) Address training of professionals in effectively identifying factors, across all domains, which place children from birth through age 9 at risk of school failure and in appropriate interventions for the learning differences;

(g) Provide appropriate support to families;

(h) Share best practices with caregivers and referral sources;

(i) Address resource needs of the assessment and intervention system; and

(j) Address development of implementation plans to establish protocols for requiring and receiving parental consent for services; to identify action steps, responsible parties, and implementation schedules; and to ensure appropriate alignment with agency strategic plans.

Section 6. *The Legislature shall appropriate a sum of money to fund the demonstration programs and shall authorize selected communities to blend funding from existing programs to the extent that this is advantageous to the community and is consistent with federal requirements.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to provide confidential information to such program; providing for funding;

Senator Cowin moved the following amendment:

Amendment 5 (200642)(with title amendment)—On page 8, between lines 16 and 17, insert:

Section 3. *Sections 3-5 of this act may be cited as the "Tourism Industry Recovery Act of 2002."*

Section 4. Paragraphs (l) and (n) of subsection (3) of section 125.0104, Florida Statutes, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, or the acquisition, construction, reconstruction, or renovation of a retained spring training franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center, and to pay the planning and design costs incurred prior to the issuance of such bonds.

3. Pay the operation and maintenance costs of a convention center for a period of up to 10 years. Only counties that have elected to levy the tax for the purposes authorized in subparagraph 2. may use the tax for the purposes enumerated in this subparagraph. Any county that elects to levy the tax for the purposes authorized in subparagraph 2. after July 1, 2000, may use the proceeds of the tax to pay the operation and maintenance costs of a convention center for the life of the bonds.

4. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a)-(d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to*:*

1. Pay the debt service on bonds issued to finance:

a.~~1.~~ The construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162.

b.~~2.~~ The acquisition, construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a retained spring training franchise.

2. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the acquisition, construction, reconstruction, or renovation of *a* ~~that~~ facility *for which tax revenues are used pursuant to subparagraph 1.* The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

Section 5. Paragraph (b) of subsection (1) of section 125.35, Florida Statutes, is amended to read:

125.35 County authorized to sell real and personal property and to lease real property.—

(1)(a) The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

(b) Notwithstanding the provisions of paragraph (a), the board of county commissioners is expressly authorized to:

1. Negotiate the lease of an airport or seaport facility;

2. Modify or extend an existing lease of real property for an additional term not to exceed 25 years, where the improved value of the lease has an appraised value in excess of $20 million; ~~or~~

3. Lease a professional sports franchise facility financed by revenues received pursuant to s. 125.0104 or s. 212.20; *or*

4. Convert existing development rights held by a private entity to a lease hold interest on any parcel of real property of 5 acres or less;

under such terms and conditions as negotiated by the board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: providing a short title; amending s. 125.0104, F.S.; providing that the additional tax authorized for bonds for a professional sports franchise facility, a retained spring training franchise facility, or a convention center, and for operation and maintenance costs of a convention center, and the additional tax authorized for bonds for facilities for a new professional sports franchise or a retained spring training franchise, may also be used to promote and advertise tourism; amending s. 125.35, F.S.; authorizing boards of county commissioners to lease without a competitive process certain property;

Senator Diaz de la Portilla moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A (055612)(with title amendment)—On page 4, line 28 through page 5, line 24, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, lines 12-15, delete those lines and insert: promote and advertise tourism;

Amendment 5 as amended was adopted.

Senator Pruitt moved the following amendment which was adopted:

Amendment 6 (954736)(with title amendment)—On page 3, line 2, insert:

Section 1. Effective upon this act becoming a law, section 11.35, Florida Statutes, is created to read:

11.35 Joint Legislative Committee on Tax Exemptions; membership; duties.—

(1) The Joint Legislative Committee on Tax Exemptions is created as a joint standing committee of the Legislature composed of 12 members, 6 of whom are members of the Senate appointed by the President of the Senate and 6 of whom are members of the House of Representatives appointed by the Speaker of the House of Representatives. The terms of members are 2 years and run from one organization session of the Legislature to the following organization session. In each even-numbered year, the President of the Senate shall appoint a member of the Senate to serve as chair for a term of 1 year; and, in each odd-numbered year, the Speaker of the House of Representatives shall appoint a member of the House of Representatives to serve as chair for a term of 1 year. A vacancy is to be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The committee shall conduct a periodic review of all exemptions from taxation under chapter 212, except those specified in s. 212.25(3). The committee must complete the first of its reviews by December 1, 2004, and its initial review of all exemptions by December 1, 2009. For purposes of the review, the committee shall:

(a) Assign each exemption to a discrete category of exemptions, placing, to the extent practicable, similar and related exemptions within the same category. The committee shall identify discrete classes of transactions exempted by s. 212.25(2) and assign the exemption of each class to the appropriate category.

(b) Schedule, for each year, one or more of the categories to be reviewed before the following regular session of the Legislature. Each category must be reviewed once by December 1, 2009. By December 1, 2003, the committee shall prepare, and submit to the President of the Senate and the Speaker of the House of Representatives for introduction at the 2004 regular session of the Legislature, a proposed bill that amends the statutes to set the expiration date for each exemption 18 months after the year in which it is scheduled for review. The proposed bill shall set July 1, 2006, as the expiration date for those exemptions which are scheduled to be reviewed by December 1, 2004.

(c) Adopt standards and criteria that it will use for its review of exemptions and upon which it will base its recommendation to reauthorize an exemption. In developing these standards and criteria, the committee should consider the following principles of taxation:

1. Equity.—The Florida tax system should treat individuals equitably. It should impose similar tax burdens on people in similar circumstances and should minimize regressivity.

2. Compliance.—The Florida tax system should facilitate taxpayer compliance. It should be simple and easy to understand so as to minimize compliance costs and increase the visibility and awareness of the taxes being paid. Enforcement and collection of tax revenues should be done in a fair, consistent, professional, predictable, and cost-effective manner.

3. Promotion of competition.—The Florida tax system should be responsive to interstate and international competition in order to encourage savings and investment in plant, equipment, people, and technology.

4. Neutrality.—The Florida tax system should affect competitors uniformly and not become a tool for "social engineering." It should minimize government involvement in investment decisions, making any such involvement explicit, and should minimize pyramiding.

5. Stability.—The Florida tax system should produce revenues in a stable and reliable manner which are sufficient to fund appropriate governmental functions and expenditures.

6. Integration.—The Florida tax system should balance the need for integration of federal, state, and local taxation.

7. Public purpose.—Any sales tax exemption should be based upon a determination that the exemption promotes an important state interest, including, but not limited to, economic development, job creation and retention, economic diversification, and community revitalization.

(3) By December 1 of each year, the committee shall submit to the President of the Senate and the Speaker of the House of Representatives a separate report for each category of exemptions reviewed during that year. Each report must contain the committee's recommendations with respect to each exemption assigned to that category and include, for consideration at the next regular session of the Legislature, a proposed bill to reauthorize, for a period not to exceed 10 years, those exemptions that the committee recommends be reauthorized and to cleanse the statutes of those exemptions that the committee recommends be allowed to expire. Each report must also include, for each exemption for which the committee makes no recommendation, a separate bill to reauthorize that exemption for a period not to exceed 10 years. Each proposed bill must provide that each reauthorized exemption expires on a specified date occurring no more than 10 years after the effective date of the bill and is to be reviewed pursuant to this section at least 18 months prior to its expiration.

Section 2. Effective upon this act becoming a law, section 212.25, Florida Statutes, is created to read:

212.25 Expiration and review of tax exemptions; status of transactions neither expressly taxable nor exempt.—

(1) Effective July 1, 2011, and on July 1 of every 10th year thereafter, each exemption from taxation under this chapter expires, except those specified in subsection (3) and those specifically set by law to expire on another date. Prior to its expiration, each such exemption shall be reviewed by the Joint Legislative Committee on Tax Exemptions in accordance with the law governing such reviews.

(2) Until July 1, 2011, any sale of goods or services that is neither expressly taxable nor expressly exempt from taxation under this chapter is exempt from such taxation, and the exemptions provided by this subsection are subject to review under s. 11.35. Effective July 1, 2011, any sale of goods or services that is neither expressly taxable nor expressly exempt from taxation under this chapter is subject to tax at the same rate as the general tax rate prescribed by this chapter for the retail sale of items of tangible personal property.

(3) Notwithstanding the other provisions of this section, the following transactions remain exempt from taxation under this chapter and are not subject to expiration or review under this section or s. 11.35: the sale of groceries, prescription drugs, health services, real property, intangible personal property, or communications services; the sale of tangible personal property purchased for resale or imported, produced, or manufactured in this state for export; and the payment of residential rent or employee salaries or benefits.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-27, delete those lines and insert: An act relating to economic development; creating s. 11.35, F.S.; creating the Joint Legislative Committee on Tax Exemptions; providing for its membership and prescribing its duties; requiring it to periodically review and make recommendations concerning tax exemptions prescribed in ch. 212, F.S.; creating s. 212.25, F.S.; providing for the periodic expiration and review of tax exemptions under ch. 212, F.S.; providing that sales of goods or services that are neither expressly taxable nor expressly exempt from taxation by a specified date become taxable; exempting specified transactions from taxation and from the the expiration and review requirements of the act; creating the "Florida Technology Development Act"; defining terms; creating the Emerging Technology Commission; providing for membership, powers, and duties of the commission; providing for Florida Research Consortium, Inc., to report to the commission regarding factors contributing to the success of the creation of a center of excellence; requiring the commission to develop and approve criteria for evaluating proposals related to the creation of centers of excellence;

requiring the commission to solicit such proposals from state universities; requiring the commission to submit recommended plans to the State Board of Education for establishing centers of excellence in the state; providing for the State Board of Education to develop and approve a final plan for establishing centers of excellence in the state and authorize expenditures for plan implementation; providing commission reporting requirements; providing an expiration date; providing an appropriation for commission staff support and certain administrative expenses; providing an effective date.

WHEREAS, the Legislature has identified a crisis in the economy which compels the Legislature to take a broad and comprehensive approach to economic development, addressing its many facets, including both economic stimulus for emerging technologies and the state's tax policy, and

WHEREAS, the Legislature recognizes the obvious natural and logical connection between economic development and the distribution of the tax burden among the diverse segments of the economy, and

WHEREAS, the Legislature seeks by this legislation to accomplish goals that are not separate or disassociated objects of legislative effort, but that are integrated and dependent elements of a comprehensive approach to a rational economic policy that will fairly and equitably promote economic development throughout the diverse segments of the economy, and

WHEREAS, the Legislature, as part of this comprehensive approach to a rational economic policy, seeks to create a process by which the Legislature will periodically review, on an orderly schedule, the array of tax exemptions and identify those that serve as a widespread stimulus to the economy and those that hamper economic development by unfairly distributing the tax burden or giving an undue competitive advantage to a business over others similarly situated, and

Senator Lee moved the following amendment which was adopted:

Amendment 7 (952350)(with title amendment)—On page 8, between lines 16 and 17, insert:

Section 3. Subsection (1) of section 240.2605, Florida Statutes, is amended to read:

240.2605 Trust Fund for Major Gifts.—

(1) There is established a Trust Fund for Major Gifts. The purpose of the trust fund is to enable the Board of Regents Foundation, each university, and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments *and sales tax exemption matching funds received pursuant to s. 212.08(5)(j)*, which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by ~~procedure of~~ the *State* Board of *Education* ~~Regents~~. All funds appropriated for the challenge grants, new donors, major gifts, *sales tax exemption matching funds pursuant to s. 212.08(5)(j),* or eminent scholars program must be deposited into the trust fund and invested pursuant to s. 18.125 until the *State* Board of *Education* ~~Regents~~ allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. *Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business*. The *State* Board of *Education* ~~Regents~~ may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 240.272.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: amending s. 240.2605, F.S.; creating an account within the Trust Fund for Major Gifts for the deposit of funds appropriated as state match for qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business pursuant to s. 212.08(5)(j), F.S.;

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

Amendment 8 (692918)(with title amendment)—On page 8, between lines 16 and 17, insert:

Section 3. *The legislative review required under section 14 of chapter 93–187, Laws of Florida, shall be conducted by the Office of Program Policy Analysis and Government Accountability before December 1, 2002, using applicable criteria under section 11.513(3), Florida Statutes.*

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: authorizing specified criteria to be used in a presently required legislative review of certain technology programs; providing for the Office of Program Policy Analysis and Government Accountability to conduct such review;

Pursuant to Rule 4.19, **CS for SB 1844** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, by unamious consent—

CS for SB 988—A bill to be entitled An act relating to switched network access rates; amending s. 364.10, F.S.; revising provisions for Lifeline Assistance Plan service; providing for certification and maintenance of claims by Office of Public Counsel; amending s. 364.163, F.S.; revising provisions relating to caps on rates; deleting provisions relating to recovery of costs of government programs; revising provisions relating to rate changes; providing for adjustments in long distance revenues and pass-through to customers; creating s. 364.164, F.S.; providing for establishment of revenue categories; providing for notification; providing for timetable for reductions in access rates; providing for revenue neutrality; providing for notice; providing definitions; providing for oversight of local exchange companies; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Campbell moved the following amendment:

Amendment 1 (254502)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 364.10, Florida Statutes, to read:

364.10 Undue advantage to person or locality prohibited; exception.—

(3)(a) Any local exchange telecommunications company authorized by the commission to reduce its switched network access rate pursuant to s. 364.164, shall, effective March 31, 2003, have tariffed and shall provide Lifeline Assistance Plan service to any otherwise eligible customer or potential customer who meets an income eligibility test at 125 percent or less of the federal poverty income guidelines for Lifeline Assistance Plan customers. Such test for eligibility shall augment, rather than replace, the eligibility standards established by federal law and based on participation in certain low-income assistance programs. Each interexchange telecommunications carrier shall, effective March 31, 2003, file a tariff providing, at a minimum, the interexchange telecommunications carrier's current Lifeline Assistance Plan benefits and exemptions to Lifeline Assistance Plan customers who meet the income eligibility test set forth in this subsection. The Office of Public Counsel shall serve as the state agency which certifies and maintains claims submitted by a customer for eligibility under the income test authorized by this subsection.

(b) Each local exchange telecommunications company subject to this subsection shall provide each state and federal agency that provides benefits to persons that are eligible for the Lifeline Assistance Plan service

with applications, brochures, pamphlets, or other materials which inform such persons of their eligibility for the Lifeline Assistance Plan service, and each state agency providing such benefits shall furnish such materials to affected persons at the time such persons apply for benefits.

(c) Any local exchange telecommunications company customer receiving Lifeline Assistance Plan benefits shall not be subject to any residential basic local telecommunications service rate increases authorized by s. 364.164 until such time as the local exchange telecommunications company reaches parity as defined in s. 364.164(6) or until the customer no longer qualifies for the Lifeline Assistance Plan benefits established by this section or s. 364.105, or unless otherwise determined by the commission upon petition by a local exchange telecommunications company.

(d) Each agency that provides benefits to persons that are eligible for the Lifeline Assistance Plan service shall, by December 31, 2002, notify each such person by postcard of his or her eligibility for the Lifeline Assistance Plan service, together with the name of the local exchange telecommunications company. The direct cost of this postcard production and mailing shall be paid by the local exchange telecommunications companies with more than one million access lines in service. The commission shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31st of each year on the number of customers who are subscribing to Lifeline Assistance Plan service.

Section 2. Section 364.163, Florida Statutes, is amended to read:

364.163 Network access services.—For purposes of this section, "network access service" is defined as any service provided by a local exchange telecommunications company to a telecommunications company certificated under this chapter or licensed by the Federal Communications Commission to access the local exchange telecommunications network, excluding the local interconnection arrangements in s. 364.16 and the resale arrangements in s. 364.161. Each local exchange telecommunications company subject to s. 364.051 shall maintain tariffs with the commission containing the terms, conditions, and rates for each of its network access services.

~~(1) Effective January 1, 1999, the rates for switched network access services of each company subject to this section shall be capped at the rates in effect on January 1, 1999, and shall remain capped until January 1, 2001. Upon the date of filing its election with the commission, the network access service rates of a company that elects to become subject to this section shall be capped at the rates in effect on that date and shall remain capped for 5 years.~~

(1)~~(2)~~ After ~~the termination of the caps imposed on rates by subsection (1) and after~~ a local exchange telecommunications company's intrastate switched *network* access rates *are reduced to or below* ~~reach~~ parity*, as defined in s. 364.164(6), the company's intrastate switched network access rates shall be capped and shall remain capped for 3 years thereafter.* ~~with its interstate switched access rates, a company subject to this section may, on 30 days' notice, annually adjust any specific network access service rate in an amount not to exceed the cumulative change in inflation experienced after the date of the last adjustment, provided, however, that no such adjustment shall ever exceed 3 percent annually of the then current prices. Inflation shall be measured by the changes in Gross Domestic Product Fixed 1987 Weights Price Index, or successor fixed weight price index, published in the Survey of Current Business, or successor publication, by the United States Department of Commerce.~~

~~(3) After the termination of the caps imposed on rates by subsection (1), a company subject to this section may, at any time, petition the commission for a network access service rate change to recover the cost of governmentally mandated projects or programs or an increase in federal or state income tax incurred after that date. The costs and expenses of the government program or project required in part II of this chapter shall not be recovered under this subsection unless such costs and expenses are incurred in the absence of a bid and subject to carrier of last resort obligations as provided for in part II of this chapter. With respect to governmentally mandated projects and programs, such petition shall be acted upon no later than 90 days after the date of filing. A company subject to this section shall show the commission that the cost of a project or program is not recoverable either from the government mandating the project or program or from the beneficiaries of the project or program through user fees or other new revenue sources from the project or program, and to the extent that cost decreases resulting from the project or program are reflected as an offset to cost increases. A company subject to this section shall decrease its network access rates by amounts that reflect any federal or state income tax reduction. Nothing contained in this section shall allow any revisions in the rates, terms, and conditions for commercial mobile radio service access, which revisions are inconsistent with the requirements or methodologies of the Federal Communications Commission.~~

~~(4) A company subject to this section may choose to implement all or a portion of a rate increase allowed for network access service by subsections (1), (2), and (3). Notwithstanding subsections (1), (2), and (3), a company subject to this section may choose to decrease network service rates at any time, and decreased rates shall become effective upon 7 days' notice.~~

~~(5) company-proposed changes to the terms and conditions for existing network access services in accordance with subsections (1), (2), (3), and (4) shall be presumed valid and become effective upon 15 days' notice. company-proposed rate reductions shall become effective upon 7 days' notice. Rate increases made by the local exchange telecommunications company shall be presumed valid and become effective on the date specified in the tariff, but in no event earlier than 30 days after the filing of such tariff. The commission shall have continuing regulatory oversight of local exchange telecommunications company-provided network access services for purposes of determining the correctness of any price increase resulting from the application of the inflation index and making any necessary adjustments, establishing reasonable service quality criteria, and assuring resolution of service complaints. No later than 30 days after the filing of such tariff, the commission may, with respect to determining the correctness of any price increase, vote, without hearing, the local exchange telecommunications company to hold subject to refund all revenues collected under the rate increase. Within 60 days after such order, the commission must make a determination either compelling a refund of all or part of such revenues or releasing them from such requirement.~~

(2)~~(6) Any local exchange telecommunications company with more than 100,000, but fewer than 3 million, basic local telecommunications service access lines in service on July 1, 1995, shall reduce its intrastate switched access rates by 5 percent on July 1, 1998, and by 10 percent on October 1, 1998.~~ Any interexchange telecommunications *carrier* ~~company~~ whose intrastate switched *network* access rate is reduced as a result of the rate *adjustments* ~~decreases~~ made by a local exchange telecommunications company in accordance with *s. 364.164* ~~this subsection~~ shall decrease its intrastate long distance *revenues* ~~rates~~ by the amount necessary to return the benefits of such reduction to *both* its *residential and business* customers ~~but shall not reduce per minute intra-LATA toll rates by a percentage greater than the per minute intrastate switched access rate reductions required by this act~~. The interexchange telecommunications carrier may determine the specific intrastate rates to be decreased, provided that residential and business customers benefit *proportionally* from the rate decreases. *Subject to the foregoing, any interexchange telecommunications carrier that charges an in-state connection fee shall use any decrease in the intrastate switched network access rate reductions required by s. 364.164 to first eliminate that fee before it reduces its long distance toll rates. In any event, any in-state connection fee shall be eliminated by March 1, 2004, provided that the timetable approved pursuant to s. 364.164(2) reduces intrastate switched network access rates in an amount that results in the elimination of the access recovery charge in a revenue-neutral manner. The tariff changes, if any, made by the interexchange telecommunications carrier to carry out the requirements of this subsection shall be presumed valid and become effective on 1 day's notice.*

~~(7) Telecommunications company intrastate switched access and customer long distance rate reductions shall become effective on October 1 of each relevant year. Rate decreases proposed in tariff revisions filed by the telecommunications companies with the commission shall be presumed valid and become effective on October 1 of each relevant year.~~

~~(8) No later than 30 days after the filing of such tariff, the commission may, with respect to determining the correctness of any rate decrease, vote, without hearing, the telecommunications company to hold subject to refund all intrastate switched access or customer long distance~~

~~rate revenues collected after the rate decrease. Within 60 days after such order, the commission must make a determination either compelling a refund of the appropriate part of such revenues or releasing all such revenues from such requirement.~~

(3)~~(9)~~ The commission shall have continuing regulatory oversight of intrastate switched *network* access and customer long distance rates for purposes of determining the correctness of any rate decrease by a telecommunications company resulting from the application of this section *and s. 364.164,* and making any necessary adjustments to those rates, establishing reasonable service quality criteria, and assuring resolution of service complaints. *Nothing in this subsection shall be construed to mean that the commission does not have continuing regulatory oversight of service quality criteria or the authority to resolve service complaints for all telecommunications companies subject to this section.*

Section 3. Section 364.164, Florida Statutes, is created to read:

364.164 Switched network access rate reduction.—

(1) The Legislature finds the following:

(a) Residential local exchange competition is in the best interest of Florida and its telecommunications consumers;

(b) Residential basic local telecommunications service prices are, on average, below cost, being subsidized with revenues from other services including switched network access charges;

(c) The intrastate switched network access charges paid by interexchange telecommunications companies in Florida are above cost and are higher than the interstate switched network access charges which such companies pay to the same local exchange telecommunications companies in Florida;

(d) The subsidization of residential basic local telecommunications service prices with revenues from intrastate switched network access charges is inhibiting the development of residential basic local exchange service competition;

(e) Restructuring the prices for residential basic local telecommunications service and intrastate switched network access closer to the cost of providing these services should promote local and long distance competition; and

(f) The Florida Public Service Commission is the appropriate body to determine whether intrastate switched network access charges and basic local telecommunications service prices will be adjusted in a manner which is revenue neutral to the local exchange telecommunications company and beneficial to residential consumers.

(2) Each local exchange telecommunications company with more than 1 million access lines in service may, after December 1, 2002, petition the commission to reduce its intrastate switched network access rates in a revenue neutral manner. Any local exchange telecommunications company with 1 million or less access lines in service may, after December 1, 2003, petition the commission to reduce its intrastate switched network access rates in a revenue neutral manner. The commission shall issue its final order granting or denying any petition filed pursuant to this section within 90 days. The commission shall grant the petition if it finds that granting the petition:

(a) Will result in switched network access rate reductions that will be implemented during a period to be determined by the commission, but such period shall not be less than 2 years or more than 5 years;

(b) Will benefit residential consumers by reducing or eliminating the subsidy to residential basic local telecommunications service rates provided by intrastate switched network access rates;

(c) Will move intrastate switched network access rates to parity;

(d) Will create a more favorable competitive environment;

(e) Will be revenue neutral to the local exchange telecommunications company as set forth in subsection (3); and

(f) Will result in benefits to toll customers.

(3) In the event the commission grants the local exchange telecommunications company's petition, the local exchange telecommunications company is authorized, the requirements of s. 364.051(3) notwithstanding, to immediately implement a revenue category mechanism consisting of basic local telecommunications service revenues and intrastate switched network access revenues, to achieve revenue neutrality. The local exchange telecommunications company shall thereafter, on 45 days' notice, adjust the various prices and rates of the services within its revenue category authorized by this section once in any 12-month period in a revenue neutral manner. In no event shall any adjustment in rates be offset entirely by the monthly recurring rate for basic local telecommunications service. All annual rate adjustments within the revenue category established pursuant to this section shall be implemented simultaneously and shall be revenue neutral. The commission shall, within 45 days after the rate adjustment filing, issue a final order confirming compliance with this section, and such order shall be final for all purposes.

(4) Any filing under this section shall be based on the company's most recent 12 months' pricing units in accordance with subsection (8) for any service included in the revenue category established under this section. The commission shall have the authority only to verify the pricing units for the purpose of ensuring that the company's specific adjustments, as authorized by this section, make the revenue category revenue neutral for each filing. Any discovery or information requests under this section shall be limited to a verification of historical pricing units necessary to fulfill the commission's specific responsibilities under this section of ensuring that the company's rate adjustments make the revenue category revenue neutral for each annual filing.

(5) Nothing in this section shall affect the local exchange telecommunications company's exemptions pursuant to s. 364.051(1)(c) or authorize any local exchange telecommunications company to increase the cost of local exchange services to any person providing services under s. 364.3375.

(6) For purposes of this section, "parity" means that the local exchange telecommunications company's intrastate switched network access rate is equal to its interstate switched network access rate in effect on January 1, 2002, if the company has more than 4 million access lines in service. If the company has 4 million or less and more than 1 million access lines in service, "parity" means that the company's intrastate switched network access rate is equal to 2 cents per minute. If the company has 1 million or less access lines in service, "parity" means that the company's intrastate switched network access rate is equal to 8 cents per minute. Nothing in this section shall prevent the company from making further reductions in its intrastate switched network access rate, within the revenue category established in this section, below parity on a revenue-neutral basis, or from making other revenue neutral rate adjustments within this category.

(7) For purposes of this section, "intrastate switched network access rate" means the composite of the originating and terminating network access rate for carrier common line, local channel/entrance facility, switched common transport, access tandem switching, interconnection charge, information surcharge, and local switching.

(8) For purposes of this section, "revenue neutral" means that the total revenue within the revenue category established pursuant to this section remains the same before and after the local exchange telecommunications company implements any rate adjustments under this section. Calculation of revenue received from each service prior to implementation of any rate adjustment shall be made by multiplying the then-current rate for each service by the most recent 12 months' actual pricing units for each service within the category, without any adjustments to the number of pricing units. Calculation of revenue for each service to be received after implementation of rate adjustments shall be made by multiplying the rate to be applicable for each service by the most recent 12 months' actual pricing units for each service within the category, without any adjustments to the number of pricing units. Billing units associated with Lifeline Assistance Plan service shall not be included in any calculation under this subsection.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to switched network access rates; amending s. 364.10, F.S.; revising provisions for Lifeline Assistance Plan service; providing for certification and maintenance of claims by Office of Public Counsel; requiring certain local exchange telecommunications companies to provide specified materials relating to the plan; requiring state agencies to provide such material to affected applicants; exempting plan beneficiaries from certain rate increases under certain circumstances; providing for notification; amending s. 364.163, F.S.; revising provisions relating to caps on rates; deleting provisions relating to recovery of costs of government programs; revising provisions relating to rate changes; providing for adjustments in long distance revenues and pass-through to customers; maintaining continuing oversight by the commission; creating s.364.164, F.S.; providing findings; providing for petition to the commission for reduction of access rates; providing for final order; providing for criteria; providing for establishment of revenue category mechanisms; providing for notification; providing for revenue neutrality; providing for notice; providing limitations on adjustments; providing for pricing units; maintaining exemptions; providing definitions; providing an effective date.

Senator Wasserman Schultz moved the following amendment to **Amendment 1**:

Amendment 1A (435478)(with title amendment)—On page 12, between lines 22 and 23, insert:

Section 4. *Section 316.0075, Florida Statutes, does not apply within any municipality that adopted an ordinance governing the use of electronic communications on or before March 4, 2002.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 13, line 31, after the semicolon (;) insert: providing that s. 316.0075, F.S. does not apply to certain municipalities;

On motion by Senator Campbell, further consideration of **CS for SB 988** with pending **Amendment 1 (254502)** and **Amendment 1A (435478)** was deferred.

On motion by Senator Garcia, by unanimous consent—

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.

—was taken up out of order and read the second time by title.

Senator Villalobos offered the following amendment which was moved by Senator Garcia and adopted:

Amendment 1 (365930)(with title amendment)—On page 1, delete line 27 and insert:

Section 2. *When the probable-cause panel determines that probable cause does not exist, the Legislature finds that it is a public necessity to exempt from public-disclosure a complaint filed under section 246.111, Florida Statutes, and all information obtained in the course of investigation of a complaint filed under section 246.111, Florida Statutes. The Legislature finds that it is a public necessity to exempt the proceedings of the probable-cause panel under section 246.111, Florida Statutes, from public-disclosure requirements. The exemption prevents unfounded complaints and investigations from being used to damage the good name of an individual or entity. The public interest would be protected because the complaint, all information obtained in the course of the investigation of the complaint, and a record of the proceedings of the probable-cause panel shall be subject to public disclosure if the probable-cause panel determines that probable cause exists.*

Section 3. This act shall take effect January 7, 2003, if Senate Bill 2022, relating to independent postsecondary educational institutions or similar legislation is adopted in the same legislative session, or an extension thereof, and becomes a law.

And the title is amended as follows:

On page 1, delete line 6 and insert: for future review and repeal; providing a statement of public necessity; providing a contingent

Pursuant to Rule 4.19, **CS for SB 660** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by unanimous consent—

CS for SB 1186—A bill to be entitled An act relating to economic development; amending s. 288.0655, F.S.; providing for additional uses of moneys in the Rural Infrastructure Fund; amending s. 288.095, F.S.; revising 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.; revising definitions; 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; 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; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; providing for an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors; 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. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the office; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Clary moved the following amendment:

Amendment 1 (283902)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (b) of subsection (2) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(2)(a) Funds appropriated by the Legislature shall be distributed by the office through ~~a~~ grant *programs* ~~program~~ that *maximize* ~~maximizes~~ the use of federal, local, and private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, *and state pro-*

grams, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the office may award grants ~~to applicants for such federal programs~~ for up to 30 percent of the total infrastructure project cost. Eligible projects must be related to specific *job-creation or job-retention* ~~job creating~~ opportunities. *Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities.* Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly owned self-powered nature-based tourism facilities and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

Section 2. Paragraphs (b) and (c) of subsection (3) of section 288.095, Florida Statutes, are amended to read:

288.095 Economic Development Trust Fund.—

(3)

(b) The total amount of tax refund claims approved for payment by the Office of Tourism, Trade, and Economic Development based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy *estimates* ~~projections~~ by the office for tax refunds under ss. 288.1045 and 288.106 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the *estimated* ~~projected~~ total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) By *December 31* ~~September 30~~ of each year, *Enterprise Florida, Inc.,* ~~the Office of Tourism, Trade, and Economic Development~~ shall submit a complete and detailed report to the *Governor, the President of the Senate, the Speaker of the House of Representatives, and the director of the Office of Tourism, Trade, and Economic Development* ~~board of directors of Enterprise Florida, Inc., created under part VII of this chapter,~~ of all applications received, *recommendations made to the Office of Tourism, Trade, and Economic Development,* final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. *Enterprise Florida, Inc.,* ~~The Office of Tourism, Trade, and Economic Development~~ shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065*, rural communities, brownfield areas, and distressed urban communities.* ~~By December 1 of each year, the board of directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~ The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner. *The Office of Tourism, Trade, and Economic Development shall assist Enterprise Florida, Inc., in the collection of data related to business performance and incentive payments.*

Section 3. Section 288.1045, Florida Statutes, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

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

(a) "Consolidation of a Department of Defense contract" means the consolidation of one or more of an applicant's facilities under one or more Department of Defense contracts either from outside this state or from inside and outside this state, into one or more of the applicant's facilities inside this state.

(b) "Average wage in the area" means the average of all wages and salaries in the state, the county, or in the standard metropolitan area in which the business unit is located.

(c) "Applicant" means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor under a valid Department of Defense contract or any business entity that holds a valid contract for the reuse of a defense-related facility, including all members of an affiliated group of corporations as defined in s. 220.03(1)(b).

(d) "Office" means the Office of Tourism, Trade, and Economic Development.

(e) "Department of Defense contract" means a competitively bid Department of Defense contract *or subcontract* or a competitively bid federal agency contract *or subcontract* issued on behalf of the Department of Defense for manufacturing, assembling, fabricating, research, development, or design with a duration of 2 or more years, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. *The term includes contracts or subcontracts for products or services for military use which contracts or subcontracts are approved by the United States Department of Defense, the United States Department of State, or the United States Coast Guard.*

(f) "New Department of Defense contract" means a Department of Defense contract entered into after the date application for certification as a qualified applicant is made and after January 1, 1994.

(g) "Jobs" means full-time equivalent positions, consistent with the use of such terms by the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ for the purpose of unemployment compensation tax, resulting directly from a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

(h) "Nondefense production jobs" means employment exclusively for activities that, directly or indirectly, are unrelated to the Department of Defense.

(i) "Project" means any business undertaking in this state under a new Department of Defense contract, consolidation of a Department of Defense contract, or conversion of defense production jobs over to nondefense production jobs or reuse of defense-related facilities.

(j) "Qualified applicant" means an applicant that has been approved by the director to be eligible for tax refunds pursuant to this section.

(k) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(l) "Taxable year" means the same as in s. 220.03(1)(z).

(m) "Fiscal year" means the fiscal year of the state.

(n) "Business unit" means an employing unit, as defined in s. 443.036, that is registered with the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ for unemployment compensation purposes or means a subcategory or division of an employing

unit that is accepted by the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~ as a reporting unit.

(o) "Local financial support" means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified applicant. Local financial support may include excess payments made to a utility company under a designated program to allow decreases in service by the utility company under conditions, regardless of when application is made. A qualified applicant may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(p) "Contract for reuse of a defense-related facility" means a contract with a duration of 2 or more years for the use of a facility for manufacturing, assembling, fabricating, research, development, or design of tangible personal property, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. Such facility must be located within a port, as defined in s. 313.21, and have been occupied by a business entity that held a valid Department of Defense contract or occupied by any branch of the Armed Forces of the United States, within 1 year of any contract being executed for the reuse of such facility. A contract for reuse of a defense-related facility may not include any contract for reuse of such facility for any Department of Defense contract for manufacturing, assembling, fabricating, research, development, or design.

(q) "Local financial support exemption option" means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county designated by the Rural Economic Development Initiative, if the county commissioners of the county in which the project will be located adopt a resolution requesting that the applicant's project be exempt from the local financial support requirement. Any applicant that exercises this option is not eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by the director which were paid by such qualified applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(b) A qualified applicant may not be qualified for any project to receive more than $5,000 times the number of jobs provided in the tax refund agreement pursuant to subparagraph (4)(a)1. A qualified applicant may not receive refunds of more than 25 percent of the total tax refunds provided in the tax refund agreement pursuant to subparagraph (4)(a)1. in any fiscal year, provided that no qualified applicant may receive more than $2.5 million in tax refunds pursuant to this section in any fiscal year.

(c) A qualified applicant may not receive more than $7.5 million in tax refunds pursuant to this section in all fiscal years.

(d) Contingent upon an annual appropriation by the Legislature, the director may approve not more in tax refunds than the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5) and s. 288.095.

(e) For the first 6 months of each fiscal year, the director shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may receive refunds from the Economic Development Trust Fund for the following taxes due and paid by the qualified applicant beginning with the applicant's first taxable year that begins after entering into the agreement:

1. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

2. Corporate income taxes paid pursuant to chapter 220.

3. Intangible personal property taxes paid pursuant to chapter 199.

4. Emergency excise taxes paid pursuant to chapter 221.

5. Excise taxes paid on documents pursuant to chapter 201.

6. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section.

(g) Any qualified applicant who fraudulently claims this refund is liable for repayment of the refund to the Economic Development Trust Fund plus a mandatory penalty of 200 percent of the tax refund which shall be deposited into the General Revenue Fund. Any qualified applicant who fraudulently claims this refund commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the office which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of *net new* full–time equivalent *Florida* jobs *included* in ~~this state which are or will be dedicated to~~ the project *as of December 31 of each* ~~during the~~ year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed *for* ~~in~~ each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the nondefense production operations in this state.

6. The number of *net new* full–time equivalent *Florida* jobs *included* in ~~this state which are or will be dedicated to~~ the nondefense production project *as of December 31 of each* ~~during the~~ year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed *for* ~~in~~ each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the office that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of *net new* full–time equivalent *Florida* jobs *included* in ~~this state which are or will be dedicated to~~ the project *as of December 31 of each* ~~during the~~ year and the average wage of such jobs.

8. The total number of full-time equivalent employees employed by the applicant in this state.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Corporate income taxes paid pursuant to chapter 220.

c. Intangible personal property taxes paid pursuant to chapter 199.

d. Emergency excise taxes paid pursuant to chapter 221.

e. Excise taxes paid on documents pursuant to chapter 201.

f. Ad valorem taxes paid during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed *for* ~~in~~ each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office.

(e) To qualify for review by the office, the application of an applicant must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6. or subparagraph (c)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than *60* ~~70~~ percent of its gross receipts in this state from Department of Defense contracts over the applicant's last fiscal year, and must have derived not less than *an average of 60* ~~80~~ percent of its gross receipts in this state from Department of Defense contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) must be submitted to the office for a determination of eligibility. The office shall review, evaluate, and score each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) The office shall forward its written findings and evaluation on each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) to the director within 60 calendar days *after* ~~of~~ receipt of a complete application. The office shall notify each applicant when its application is complete, and when the 60-day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (f), and shall make a specific assessment with respect to the minimum requirements established in paragraph (e). The office shall include in its report projections of the tax *refunds the applicant would be eligible to receive* ~~refund claims that will be sought by the applicant~~ in each fiscal year based on the *creation and maintenance of the net new Florida jobs specified in subparagraphs (b)6., (c)6., or (d)7. as of December 31 of the preceding state fiscal year* ~~information submitted in the application~~.

(h) Within 30 days after receipt of the office's findings and evaluation, the director shall *issue a letter of certification which* ~~enter a final order that~~ either approves or disapproves an application. The decision must be in writing and provide the justifications for either approval or disapproval. If appropriate, the director shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(i) The director may not *certify* ~~enter any final order that certifies~~ any applicant as a qualified applicant when the value of tax refunds to be included in that *letter of certification* ~~final order~~ exceeds the available amount of authority to *certify new businesses* ~~enter final orders~~ as determined in s. 288.095(3). A *letter of certification* ~~final order~~ that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor *for* ~~in~~ each fiscal year and the total amount of tax refunds for all fiscal years.

(j) This section does not create a presumption that an applicant should receive any tax refunds under this section.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the office containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. ~~This information must be the same as the information contained in the application submitted by the contractor pursuant to subsection (3).~~

2. The maximum amount of a refund that the qualified applicant is eligible to receive *for* ~~in~~ each fiscal year*, based on the job creation or retention and maintenance schedule specified in subparagraph 1.*

3. An agreement with the office allowing the office to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date *by* ~~after~~ which, *in* each fiscal year, the qualified applicant may file *a* ~~an annual~~ claim pursuant to subsection (5) *to be considered to receive a tax refund in the following fiscal year*.

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the director*, unless the qualified applicant is eligible to receive and elects to accept a prorated refund under paragraph (5)(g) or the office grants the qualified applicant an economic-stimulus exemption*.

1. A qualified applicant may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the qualified applicant's industry have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting qualified applicant, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting qualified applicant's industry have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(g) or an economic-stimulus exemption under this paragraph, a qualified applicant must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the qualified applicant as required by this subparagraph. When amending the agreement of a qualified applicant receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.

4. A qualified applicant may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after June 30, 2001, but before July 1, 2003.

5. A qualified applicant that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(c) The agreement shall be signed by the director and the authorized officer of the qualified applicant.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

"This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in s. 288.1045, Florida Statutes."

(5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE CONTRACTOR.—

(a) *To be eligible to claim any scheduled tax refund,* qualified applicants who have entered into a written agreement with the office pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs*,* or ~~who have~~ entered into a valid contract for reuse of a defense-related facility *must* ~~may~~ apply *by January 31 of* ~~once~~ each fiscal year to the office for tax refunds *scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The office may, upon written request, grant a 30-day extension of the filing date.* The application ~~must be made on or after the date contained in the agreement entered into pursuant to subsection (4) and~~ must include a notarized signature of an officer of the applicant.

(b) The claim for refund by the qualified applicant must include a copy of all receipts pertaining to the payment of taxes for which a refund is sought, and data related to achieving each performance item contained in the tax refund agreement pursuant to subsection (4). The amount requested as a tax refund may not exceed the amount for the *relevant* fiscal year in the written agreement entered pursuant to subsection (4).

(c) A tax refund may not be approved for any qualified applicant unless local financial support has been paid to the Economic Development Trust Fund *for* ~~in~~ that *refund* ~~fiscal year~~. If the local financial support is less than 20 percent of the approved tax refund, the tax refund shall be reduced. The tax refund paid may not exceed 5 times the local financial support received. Funding from local sources includes tax abatement under s. 196.1995 provided to a qualified applicant. The amount of any tax refund for an applicant approved under this section shall be reduced by the amount of any such tax abatement, and the limitations in subsection (2) and paragraph (3)(h) shall be reduced by the amount of any such tax abatement. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the Economic Development Trust Fund.

(d) The director, with assistance from the office, the Department of Revenue, and the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, shall*, by June 30 following the scheduled date for submitting the tax-refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved,* ~~determine~~ the amount of the tax refund that is authorized *to be paid to* ~~for~~ the qualified applicant for the ~~fiscal year in a written final order within 30 days after the date the claim for the~~ annual tax refund ~~is received by the office~~. *The office may grant an extension of this date upon the request of the qualified applicant for the purpose of filing additional information in support of the claim.*

(e) The total amount of tax refunds approved by the director under this section in any fiscal year may not exceed the amount appropriated to the Economic Development Trust Fund for such purposes for the fiscal year. If the Legislature does not appropriate an amount sufficient to satisfy projections by the office for tax refunds in a fiscal year, the director shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total amount of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Trust Fund for tax refunds, the director shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(f) Upon approval of the tax refund pursuant to paragraphs (c) and (d), the Comptroller shall issue a warrant for the amount included in the *written* ~~final~~ order. In the event of any appeal of the *written* ~~final~~ order, the Comptroller may not issue a warrant for a refund to the qualified applicant until the conclusion of all appeals of the *written* ~~final~~ order.

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment *and that the average wage paid by the qualified applicant is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private-sector wage in the area available at the time of certification. The prorated tax refund shall*

be calculated by multiplying the tax refund amount for which the qualified applicant would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.

(h) This section does not create a presumption that a tax refund claim will be approved and paid.

(6) ADMINISTRATION.—

(a) The office may adopt rules pursuant to chapter 120 for the administration of this section.

(b) The office may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified applicants to the Department of Revenue, *to* the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, or to any local government or authority. The office may request the assistance of said entities with respect to monitoring *jobs, wages, and* the payment of the taxes listed in subsection (2).

(d) By December 1 of each year, the office shall submit a complete and detailed report to the Governor, the President of the Senate, and the Speaker of the House of Representatives of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified applicant tax refund program were expended in a prudent, fiducially sound manner.

(e) Funds specifically appropriated for the tax refund program under this section may not be used for any purpose other than the payment of tax refunds authorized by this section.

(7) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2004.

Section 4. Paragraphs (a) and (d) of subsection (3), paragraphs (a), (b), and (c) of subsection (4), and subsections (5) and (6) of section 288.106, Florida Statutes, are amended, and subsection (7) of that section is reenacted, to read:

288.106 Tax refund program for qualified target industry businesses.—

(3) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the office before the business has made the decision to locate a new business in this state or before the business had made the decision to expand an existing business in this state. The application shall include, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's state sales tax registration number.

2. The permanent location of the applicant's facility in this state at which the project is or is to be located.

3. A description of the type of business activity or product covered by the project, including four-digit SIC codes for all activities included in the project.

4. The number of *net new* full-time equivalent *Florida* jobs *at the qualified target industry business as of December 31 of each year included* in ~~this state that are or will be dedicated to~~ the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state.

6. The anticipated commencement date of the project.

7. A brief statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that certain types of businesses be approved as a qualified target industry business and states that the commitments of local financial support necessary for the target industry business exist. In advance of the passage of such resolution, the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subsection, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing authority.

10. Any additional information requested by the office.

(d) The office shall forward its written findings and evaluation concerning each application meeting the requirements of paragraph (b) to the director within 45 calendar days after receipt of a complete application. The office shall notify each target industry business when its application is complete, and of the time when the 45-day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (c) and shall make a specific assessment with respect to the minimum requirements established in paragraph (b). The office shall include in its report projections of the tax *refunds the business would be eligible to receive* ~~refund claim that will be sought by the target industry business~~ in each fiscal year based on the *creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year* ~~information submitted in the application~~.

(4) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the office which specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. ~~This information must be the same as the information contained in the application submitted by the business under subsection (3).~~

2. The maximum amount of tax refunds which the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive *for* ~~in~~ each fiscal year*, based on the job creation and maintenance schedule specified in subparagraph 1.*

3. That the office may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date *by* ~~after~~ which, in each fiscal year, the qualified target industry business may file *a* ~~an annual~~ claim under subsection (5) *to be considered to receive a tax refund in the following fiscal year*.

5. That local financial support will be annually available and will be paid to the account. The director may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed by the local governing authority within 90 days after he or she has issued the letter of certification under subsection (3).

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business*, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (5)(d) or the office grants the business an economic-stimulus exemption*.

1. A qualified target industry business may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting business, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting business's industry have prevented the business from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(d) or an economic-stimulus exemption under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.

4. A qualified target industry business may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after June 30, 2001, but before July 1, 2003.

5. A qualified target industry business that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(c) The agreement must be signed by the director and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection (3), but not before passage and receipt of the resolution of local financial support. *The office may grant an extension of this period at the written request of the qualified target industry business.*

(5) ANNUAL CLAIM FOR REFUND.—

(a) *To be eligible to claim any scheduled tax refund,* a qualified target industry business that has entered into a tax refund agreement with the office under subsection (4) *must* ~~may~~ apply *by January 31 of* ~~once~~ each fiscal year to the office for *the* ~~a~~ tax refund *scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The office may, upon written request, grant a 30-day extension of the filing date.* ~~The application must be made on or after the date specified in that agreement.~~

(b) The claim for refund by the qualified target industry business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought and data related to achievement of each performance item specified in the tax refund agreement. The amount requested as a tax refund may not exceed the amount specified for *the relevant* ~~that~~ fiscal year in that agreement.

(c) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account *for that refund* ~~in that fiscal year~~. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995 or the appraised market value of municipal or county land conveyed or provided at a discount to that business. The amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted or the value of the land granted; and the limitations in subsection (2) and paragraph (3)(f) must be reduced by the amount of any such tax abatement or the value of the land granted. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the account.

(d) A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified target industry business provided all other applicable requirements have been satisfied and the business proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment *and that the average wage paid by the business is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private-sector wage in the area available at the time of certification, or 150 percent or 200 percent of the average private-sector wage if the business requested the additional per-job tax refund authorized in paragraph (2)(b) for wages above those levels. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified target industry business would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.*

(e) The director, with such assistance as may be required from the office, the Department of Revenue, or the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, shall*, by June 30 following the scheduled date for submission of the tax-refund claim,* specify by written ~~final~~ order the *approval or disapproval of the tax refund claim and, if approved, the* amount of the tax refund that is authorized *to be paid to* ~~for~~ the qualified target industry business for the ~~fiscal year within 30 days after the date that the claim for the~~ annual tax refund ~~is received by the office~~. *The office may grant an extension of this date on the request of the qualified target industry business for the purpose of filing additional information in support of the claim.*

(f) The total amount of tax refund claims approved by the director under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(g) This section does not create a presumption that a tax refund claim will be approved and paid.

(h)~~(g)~~ Upon approval of the tax refund under paragraphs (c), (d), and (e), the Comptroller shall issue a warrant for the amount specified in the *written* ~~final~~ order. If the *written* ~~final~~ order is appealed, the Comptroller may not issue a warrant for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(6) ADMINISTRATION.—

(a) The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified target industry businesses to the Department of Revenue, to the *Agency for Workforce Innovation* ~~Department of Labor and Employment Security~~, or to any local government or authority. The office may request the assistance of those entities with respect to monitoring *jobs, wages, and* the payment of the taxes listed in subsection (2).

(c) Funds specifically appropriated for the tax refund program for qualified target industry businesses may not be used for any purpose other than the payment of tax refunds authorized by this section.

(7) EXPIRATION.—This section expires June 30, 2004.

Section 5. Paragraph (k) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

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

(k)*1.* Payment information relative to chapters 199, 201, 212, 220, ~~and~~ 221*, and 624* to the Office of Tourism, Trade, and Economic Development*, or its employees or agents that are identified in writing by the office to the department,* in *the* ~~its~~ administration of the tax refund program for qualified defense contractors authorized by s. 288.1045 and the tax refund program for qualified target industry businesses authorized by s. 288.106.

2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).

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

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; amending s. 288.0655, F.S.; providing for additional uses of moneys in the Rural Infrastructure Fund; amending s. 288.095, F.S.; revising 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.; revising definitions; revising conditions and procedures governing applications for tax refunds; revising provisions relating to the order authorizing a tax refund; 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; prescribing a deadline for applying for tax refunds; 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; 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; 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. 213.053, F.S.; authorizing the Department of Revenue to provide certain information concerning specified tax–refund programs with the Office of Tourism, Trade, and Economic Development and specified agents; providing an effective date.

Senators Wasserman Schultz and Carlton offered the following amendment to **Amendment 1** which was moved by Senator Wasserman Schultz and adopted:

Amendment 1A (704576)(with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. Paragraphs (a) and (d) of subsection (2) and subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a *two-thirds vote* ~~majority~~ of the members of the county governing authority *or pursuant to ordinance enacted by a majority of the members of the county governing authority* and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax *or pursuant to ordinance enacted by a two-thirds vote of the members of the county governing authority*.

(d)1. The proceeds of the surtax authorized by this subsection *and approved by referendum* and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 75,000 that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011(1), and charter counties may, in addition, use the proceeds and any interest accrued thereto to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred for such refunding bonds prior to July 1, 1999, is ratified.

2. The proceeds of the surtax where the surtax is levied by a two-thirds vote of the governing body of the county and any interest accrued thereto

shall be expended by the school district or within the county and municipalities within the county for infrastructure located within the urban service area that is identified in the local government comprehensive plan of the county or municipality and is identified in that local government's capital improvements element adopted pursuant to s. 163.3177(3) or that is identified in the school district's educational facilities plan adopted pursuant to s. 235.185.

3.~~2.~~ For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

4.~~3.~~ Notwithstanding any other provision of this subsection, a discretionary sales surtax imposed or extended after the effective date of this act may provide for an amount not to exceed 15 percent of the local option sales surtax proceeds to be allocated for deposit to a trust fund within the county's accounts created for the purpose of funding economic development projects of a general public purpose targeted to improve local economies, including the funding of operational costs and incentives related to such economic development. *If applicable,* the ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

. . . . FOR THE	. . . . CENTS TAX
. . . . AGAINST THE	. . . . CENTS TAX

(c) As an alternative method of levying the discretionary sales surtax, the district school board may levy, pursuant to resolution adopted by a two-thirds vote of the members of the school board, a discretionary sales surtax at a rate not to exceed 0.5 percent when the following conditions are met:

1. The district school board and local governments in the county where the school district is located have adopted an interlocal agreement and public educational facilities element as required by chapter 163;

2. The district school board has adopted a district educational facilities plan pursuant to s. 235.185; and

3. The district's use of surtax proceeds for new construction must not exceed the cost-per-student criteria established for the SIT Program in s. 235.216(2).

(d)~~(c)~~ The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.

(e)~~(d)~~ Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f)~~(e)~~ Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

And the title is amended as follows:

On page 38, line 12, after the semicolon (;) insert: amending s. 212.055, F.S.; providing for the levy of the infrastructure sales surtax and the school capital outlay surtax by a two-thirds vote and requiring certain educational facility planning prior to the levy of the school capital outlay surtax; providing for the uses of the surtax proceeds;

Senator Cowin moved the following amendment to **Amendment 1**:

Amendment 1B (323402)(with title amendment)—On page 38, between lines 1 and 2, insert:

Section 6. *Sections 6-8 of this act may be cited as the "Tourism Industry Recovery Act of 2002."*

Section 7. Paragraphs (l) and (n) of subsection (3) of section 125.0104, Florida Statutes, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, or the acquisition, construction, reconstruction, or renovation of a retained spring training franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center, and to pay the planning and design costs incurred prior to the issuance of such bonds.

3. Pay the operation and maintenance costs of a convention center for a period of up to 10 years. Only counties that have elected to levy the tax for the purposes authorized in subparagraph 2. may use the tax for the purposes enumerated in this subparagraph. Any county that elects to levy the tax for the purposes authorized in subparagraph 2. after July 1, 2000, may use the proceeds of the tax to pay the operation and maintenance costs of a convention center for the life of the bonds.

4. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a)-(d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of

the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to*:*

1. Pay the debt service on bonds issued to finance:

a.~~1.~~ The construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162.

b.~~2.~~ The acquisition, construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a retained spring training franchise.

2. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the acquisition, construction, reconstruction, or renovation of *a* ~~that~~ facility *for which tax revenues are used pursuant to subparagraph 1.* The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

Section 8. Paragraph (b) of subsection (1) of section 125.35, Florida Statutes, is amended to read:

125.35 County authorized to sell real and personal property and to lease real property.—

(1)(a) The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

(b) Notwithstanding the provisions of paragraph (a), the board of county commissioners is expressly authorized to:

1. Negotiate the lease of an airport or seaport facility;

2. Modify or extend an existing lease of real property for an additional term not to exceed 25 years, where the improved value of the lease has an appraised value in excess of $20 million; ~~or~~

3. Lease a professional sports franchise facility financed by revenues received pursuant to s. 125.0104 or s. 212.20; *or*

4. Convert existing development rights held by a private entity to a lease hold interest on any parcel of real property of 5 acres or less;

under such terms and conditions as negotiated by the board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 40, line 21, after the semicolon (;) insert: providing a short title; amending s. 125.0104, F.S.; providing that the additional tax authorized for bonds for a professional sports franchise facility, a retained spring training franchise facility, or a convention center, and for operation and maintenance costs of a convention center, and the additional tax authorized for bonds for facilities for a new professional sports franchise or a retained spring training franchise, may also be used to promote and advertise tourism; amending s. 125.35, F.S.; authorizing boards of county commissioners to lease without a competitive process certain property;

Senator Diaz de la Portilla moved the following substitute amendment for **Amendment 1B** which was adopted:

Amendment 1C (580856)(with title amendment)—On page 38, between lines 1 and 2, insert:

Section 6. *Sections 6 and 7 of this act may be cited as the "Tourism Industry Recovery Act of 2002."*

Section 7. Paragraphs (l) and (n) of subsection (3) of section 125.0104, Florida Statutes, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, or the acquisition, construction, reconstruction, or renovation of a retained spring training franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center, and to pay the planning and design costs incurred prior to the issuance of such bonds.

3. Pay the operation and maintenance costs of a convention center for a period of up to 10 years. Only counties that have elected to levy the tax for the purposes authorized in subparagraph 2. may use the tax for the purposes enumerated in this subparagraph. Any county that elects to levy the tax for the purposes authorized in subparagraph 2. after July 1, 2000, may use the proceeds of the tax to pay the operation and maintenance costs of a convention center for the life of the bonds.

4. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a)-(d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to*:*

1. Pay the debt service on bonds issued to finance:

a.~~1.~~ The construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162.

b.~~2.~~ The acquisition, construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a retained spring training franchise.

2. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the acquisition, construction, reconstruction, or renovation of *a* ~~that~~ facility *for which tax revenues are used pursuant to subparagraph 1.* The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 40, line 21, after the semicolon (;) insert: providing a short title; amending s. 125.0104, F.S.; providing that the additional tax authorized for bonds for a professional sports franchise facility, a retained spring training franchise facility, or a convention center, and for operation and maintenance costs of a convention center, and the additional tax authorized for bonds for facilities for a new professional sports franchise or a retained spring training franchise, may also be used to promote and advertise tourism;

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

Amendment 1D (444676)(with title amendment)—On page 38, between lines 1 and 2, insert:

Section 6. *Notwithstanding section 18 of CS for CS for SB 1360, 2002 Regular Session, section 197.1722, Florida Statutes, as created by section 16 of that bill, shall not take effect January 1, 2003, but shall take effect on the date CS for CS for SB 1360, Regular Session, becomes a law and shall apply retroactively to January 1, 2002.*

And the title is amended as follows:

On page 40, line 21, after the semicolon (;) insert: providing for earlier effect and retroactive application of s. 197.1722, F.S., relating to a limited waiver of certain mandatory charges and interest on certain real property taxes;

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

Amendment 1E (573666)(with title amendment)—On page 38, between lines 1 and 2, insert:

Section 6. *Notwithstanding any provisions in section 290.0055, Florida Statutes, regarding the size of an enterprise zone, a county as defined in section 125.011(1), Florida Statutes, may apply to the Office of Tourism, Trade, and Economic Development before October 1, 2002, to amend the boundary lines of its existing enterprise zone in order to add an area not exceeding 4 square miles. The area proposed for addition to the enterprise zone under this section must be contiguous to a portion of the existing enterprise zone and must be part of a revitalization area that has been targeted for assistance by the county or by a municipality within the county. The area proposed for addition to the enterprise zone also must contain a high concentration of individuals who have immigrated to this state from Haiti. The Office of Tourism, Trade, and Economic Development shall approve an amendment to the enterprise zone boundary lines, effective January 1, 2003, provided that the area proposed for addition to the enterprise zone is consistent with the criteria and conditions imposed by section 290.0055, Florida Statutes, upon the establishment of enterprise zones, including the requirement that the area suffer from pervasive poverty, unemployment, and general distress.*

Section 7. *Notwithstanding any provisions in section 290.0055, Florida Statutes, regarding the size of an enterprise zone, a county as defined in section 125.011(1), Florida Statutes, may apply to the Office of Tourism, Trade, and Economic Development before October 1, 2002, to amend the boundary lines of its existing enterprise zone in order to add an area not exceeding 4 square miles. The area proposed for addition to the enterprise zone under this section must be contiguous to a portion of the existing enterprise zone and must be part of a revitalization area that has been targeted for assistance by a commission authorized in section 163.06, Florida Statutes. The Office of Tourism, Trade, and Economic Development shall approve an amendment to the enterprise zone boundary lines, effective January 1, 2003, provided that the area proposed for addition to the enterprise zone is consistent with the criteria and conditions imposed by section 290.0055, Florida Statutes, upon the establishment of enterprise zones, including the requirement that the area suffer from pervasive poverty, unemployment, and general distress. The area proposed for addition to the enterprise zone under this section may not include any property used for the benefit of a professional sports franchise. Any portion of the area designated under this section by the Office of Tourism, Trade, and Economic Development as an addition to an enterprise zone shall automatically lose its status as part of an enterprise zone if such portion subsequently includes property used for the benefit of a professional sports franchise.*

Section 8. *Sections of this act authorizing a county as defined in section 125.011(1), Florida Statutes, to amend and expand the boundary lines of an existing enterprise zone are not mutually exclusive.*

Section 9. Section 290.00686, Florida Statutes, is created to read:

290.00686 Enterprise zone designation for Brevard County, Cocoa, or Brevard County and Cocoa.—Brevard County, the City of Cocoa, or Brevard County and the City of Cocoa jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area which includes the boundaries of the three community redevelopment areas established pursuant to part III of chapter 163. The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055. Notwithstanding the provisions of section 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 10. *Enterprise zone designation for the City of Pensacola.—The City of Pensacola may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the city, which zone encompasses an area up to 10 contiguous square miles. The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes, except subsection (3) thereof. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may*

designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 11. *Enterprise zone designation for Leon County.—Leon County, or Leon County and the City of Tallahassee jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone, the selected area of which shall not exceed 20 square miles and shall have a continuous boundary, or consist of not more than three noncontiguous areas per section 290.0055(4)(a), Florida Statutes. The enterprise zone shall encompass an area or areas within the following Census tracts for Leon County pursuant to the 1990 Census:*

Census tract 1, block group 1; census tract 2, block group 1; census tract 2, block group 3; census tract 2, block group 4; census tract 3, block group 1; census tract 4, block group 1; census tract 4, block group 2; census tract 5, block group 1; census tract 5, block group 2; census tract 6, block group 1; census tract 6, block group 2; census tract 6, block group 3; census tract 6, block group 4; census tract 7, block group 1; census tract 7, block group 2; census tract 7, block group 3; census tract 10.01, block group 1; census tract 10.01, block group 2; census tract 10.01, block group 3; census tract 11.01, block group 1; census tract 11.01, block group 2; census tract 11.01, block group 3; census tract 11.02, block group 1; census tract 11.02, block group 3; census tract 12, block group 1; census tract 13, block group 1; census tract 13, block group 2; census tract 14, block group 1; census tract 14, block group 2; census tract 14, block group 3; census tract 14, block group 4; census tract 14, block group 5; census tract 15, block group 1; census tract 16.01, block group 1; census tract 18, block group 3; census tract 18, block group 4; census tract 19, block group 1; census tract 19, block group 3; census tract 19, block group 4; census tract 20.01, block group 1; census tract 20.01, block group 2; census tract 20.01, block group 3; census tract 20.01, block group 4; census tract 20.01, block group 5; census tract 20.02, block group 1; census tract 20.02, block group 2; census tract 20.02, block group 3; census tract 20.02, block group 5; census tract 21, block group 1; census tract 21, block group 3; census tract 21, block group 4; census tract 21, block group 5; census tract 21, block group 7; census tract 22.01, block group 1; census tract 23.01, block group 3; census tract 23.01, block group 5; census tract 26.02, block group 4.

The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 40, line 21, after the semicolon (;) insert: authorizing certain counties to apply for amendment of enterprise zone boundary lines; providing deadlines; prescribing conditions applicable to the areas proposed for addition to the enterprise zones; directing the Office of Tourism, Trade, and Economic Development to approve such amendments under certain conditions; providing for application of this act; creating s. 290.00686, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Brevard County; providing requirements with respect thereto; authorizing the City of Pensacola to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in the City of Pensacola; authorizing the office to designate one enterprise zone in the City of Pensacola; providing requirements with respect thereto; authorizing Leon County, or Leon County and the City of Tallahassee jointly, to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Leon County; authorizing the office to designate one enterprise zone notwithstanding certain limitations; providing requirements with respect thereto;

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

Amendment 1F (680952)(with title amendment)—On page 38, lines 2 and 3, delete those lines and insert:

Section 6. Effective upon this act becoming a law, section 11.35, Florida Statutes, is created to read:

11.35 Joint Legislative Committee on Tax Exemptions; membership; duties.—

(1) The Joint Legislative Committee on Tax Exemptions is created as a joint standing committee of the Legislature composed of 12 members, 6 of whom are members of the Senate appointed by the President of the Senate and 6 of whom are members of the House of Representatives appointed by the Speaker of the House of Representatives. The terms of members are 2 years and run from one organization session of the Legislature to the following organization session. In each even-numbered year, the President of the Senate shall appoint a member of the Senate to serve as chair for a term of 1 year; and, in each odd-numbered year, the Speaker of the House of Representatives shall appoint a member of the House of Representatives to serve as chair for a term of 1 year. A vacancy is to be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The committee shall conduct a periodic review of all exemptions from taxation under chapter 212, Florida Statutes, except those specified in section 212.25(3), Florida Statutes. The committee must complete the first of its reviews by December 1, 2004, and its initial review of all exemptions by December 1, 2009. For purposes of the review, the committee shall:

(a) Assign each exemption to a discrete category of exemptions, placing, to the extent practicable, similar and related exemptions within the same category. The committee shall identify discrete classes of transactions exempted by s. 212.25(2) and assign the exemption of each class to the appropriate category.

(b) Schedule, for each year, one or more of the categories to be reviewed before the following regular session of the Legislature. Each category must be reviewed once by December 1, 2009. By December 1, 2003, the committee shall prepare, and submit to the President of the Senate and the Speaker of the House of Representatives for introduction at the 2004 regular session of the Legislature, a proposed bill that amends the statutes to set the expiration date for each exemption 18 months after the year in which it is scheduled for review. The proposed bill shall set July 1, 2006, as the expiration date for those exemptions which are scheduled to be reviewed by December 1, 2004.

(c) Adopt standards and criteria that it will use for its review of exemptions and upon which it will base its recommendation to reauthorize an exemption. In developing these standards and criteria, the committee should consider the following principles of taxation:

1. Equity.—The Florida tax system should treat individuals equitably. It should impose similar tax burdens on people in similar circumstances and should minimize regressivity.

2. Compliance.—The Florida tax system should facilitate taxpayer compliance. It should be simple and easy to understand so as to minimize compliance costs and increase the visibility and awareness of the taxes being paid. Enforcement and collection of tax revenues should be done in a fair, consistent, professional, predictable, and cost-effective manner.

3. Promotion of competition.—The Florida tax system should be responsive to interstate and international competition in order to encourage savings and investment in plant, equipment, people, and technology.

4. Neutrality.—The Florida tax system should affect competitors uniformly and not become a tool for "social engineering." It should minimize government involvement in investment decisions, making any such involvement explicit, and should minimize pyramiding.

5. Stability.—The Florida tax system should produce revenues in a stable and reliable manner which are sufficient to fund appropriate governmental functions and expenditures.

6. Integration.—The Florida tax system should balance the need for integration of federal, state, and local taxation.

7. Public purpose.—Any sales tax exemption should be based upon a determination that the exemption promotes an important state interest,

including, but not limited to, economic development, job creation and retention, economic diversification, and community revitalization.

(3) By December 1 of each year, the committee shall submit to the President of the Senate and the Speaker of the House of Representatives a separate report for each category of exemptions reviewed during that year. Each report must contain the committee's recommendations with respect to each exemption assigned to that category and include, for consideration at the next regular session of the Legislature, a proposed bill to reauthorize, for a period not to exceed 10 years, those exemptions that the committee recommends be reauthorized and to cleanse the statutes of those exemptions that the committee recommends be allowed to expire. Each report must also include, for each exemption for which the committee makes no recommendation, a separate bill to reauthorize that exemption for a period not to exceed 10 years. Each proposed bill must provide that each reauthorized exemption expires on a specified date occurring no more than 10 years after the effective date of the bill and is to be reviewed pursuant to this section at least 18 months prior to its expiration.

Section 7. Effective upon this act becoming a law, section 212.25, Florida Statutes, is created to read:

212.25 Expiration and review of tax exemptions; status of transactions neither expressly taxable nor exempt.—

(1) Effective July 1, 2011, and on July 1 of every 10th year thereafter, each exemption from taxation under this chapter expires, except those specified in subsection (3) and those specifically set by law to expire on another date. Prior to its expiration, each such exemption shall be reviewed by the Joint Legislative Committee on Tax Exemptions in accordance with the law governing such reviews.

(2) Until July 1, 2011, any sale of goods or services that is neither expressly taxable nor expressly exempt from taxation under this chapter is exempt from such taxation, and the exemptions provided by this subsection are subject to review under s. 11.35. Effective July 1, 2011, any sale of goods or services that is neither expressly taxable nor expressly exempt from taxation under this chapter is subject to tax at the same rate as the general tax rate prescribed by this chapter for the retail sale of items of tangible personal property.

(3) Notwithstanding the other provisions of this section, the following transactions remain exempt from taxation under this chapter and are not subject to expiration or review under this section or s. 11.35: the sale of groceries, prescription drugs, health services, real property, intangible personal property, or communications services; the sale of tangible personal property purchased for resale or imported, produced, or manufactured in this state for export; and the payment of residential rent or employee salaries or benefits.

Section 8. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 40, delete line 21 and insert: specified agents; creating s. 11.35, F.S.; creating the Joint Legislative Committee on Tax Exemptions; providing for its membership and prescribing its duties; requiring it to periodically review and make recommendations concerning tax exemptions prescribed in ch. 212, F.S.; creating s. 212.25, F.S.; providing for the periodic expiration and review of tax exemptions under ch. 212, F.S.; providing that sales of goods or services that are neither expressly taxable nor expressly exempt from taxation by a specified date become taxable; exempting specified transactions from taxation and from the the expiration and review requirements of the act; providing effective dates.

WHEREAS, the Legislature has identified a crisis in the economy which compels the Legislature to take a broad and comprehensive approach to economic development, addressing its many facets, including both economic stimulus and the state's tax policy, and

WHEREAS, the Legislature recognizes the obvious natural and logical connection between economic development and the distribution of the tax burden among the diverse segments of the economy, and

WHEREAS, the Legislature seeks by this legislation to accomplish goals that are not separate or disassociated objects of legislative effort, but that are integrated and dependent elements of a comprehensive approach to a rational economic policy that will fairly and equitably promote economic development throughout the diverse segments of the economy, and

WHEREAS, the Legislature, as part of this comprehensive approach to a rational economic policy, seeks to create a process by which the Legislature will periodically review, on an orderly schedule, the array of tax exemptions and identify those that serve as a widespread stimulus to the economy and those that hamper economic development by unfairly distributing the tax burden or giving an undue competitive advantage to a business over others similarly situated, NOW, THEREFORE,

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1186** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for CS for SB 502—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; transferring the Office of Toll Operations to the turnpike enterprise; redesignating the turnpike district as the turnpike enterprise; amending s. 206.46, F.S.; increasing the rights-of-way bond cap; amending s. 316.302, F.S.; updating federal references; revising out-of-service requirements for commercial motor vehicles; providing a penalty; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; conforming provisions; amending s. 334.044, F.S.; providing powers and duties for department law enforcement officers; amending s. 337.025, F.S.; eliminating the cap on innovative highway projects for the turnpike enterprise; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-way acquisition services; amending s. 337.11, F.S., relating to design-build contract; adding, for a specified period, rights-of-way services to activities that may be part of a design-build contract; providing restrictions; amending s. 338.165, F.S.; conforming provisions; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165, 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts before obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditures to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending ss. 338.251, 339.135, F.S.; conforming provisions; amending s. 339.12, F.S.; raising the amount that local governments may advance to the department; amending s. 553.80, F.S.; providing for self-regulation; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 4 (891974)** by Senators Klein, Garcia and Wasserman Schultz was withdrawn.

Senators Klein and Sebesta offered the following amendment which was moved by Senator Sebesta and adopted:

Amendment 10 (393940)(with title amendment)—On page 21, lines 6-27, delete those lines and insert:

(8) "Economically feasible" means:

(a) For a proposed turnpike project, that, as determined by the department before the issuance of revenue bonds for the project, the estimated net revenues of the proposed turnpike project, excluding feeder

roads and turnpike improvements, will be sufficient to pay at least 50 percent of the debt service on the bonds by the end of the *12th* ~~5th~~ year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the *22nd* ~~15th~~ year of operation. In implementing this paragraph, up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.

(b) For turnpike projects, except for feeder roads and turnpike improvements, financed from revenues of the turnpike system, such project, or such group of projects, originally financed from revenues of the turnpike system, that the project is expected to generate sufficient revenues to amortize project costs within 15 years of opening to traffic.

And the title is amended as follows:

On page 1, line 30 through page 2, line 2, delete those lines and insert: the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; conforming provisions to the redesignation; creating s. 338.2215, F.S.;

Senator Constantine moved the following amendment which was adopted:

Amendment 11 (855844)(with title amendment)—On page 37, between lines 16 and 17, insert:

Section 28. *Section 59 of chapter 99-385, Laws of Florida, is repealed.*

Section 29. Subsection (3) of section 73.071, Florida Statutes, is amended to read:

73.071 Jury trial; compensation; severance damages; business damages.—

(3) The jury shall determine solely the amount of compensation to be paid, which compensation shall include:

(a) The value of the property sought to be appropriated;

(b) Where less than the entire property is sought to be appropriated, any damages to the remainder caused by the taking, including, when the action is by the Department of Transportation, county, municipality, board, district or other public body for the condemnation of a right-of-way, and the effect of the taking of the property involved may damage or destroy an established business of more than 4 years' standing *before January 1, 2005, or the effect of the taking of the property involved may damage or destroy an established business of more than 5 years' standing on or after January 1, 2005*, owned by the party whose lands are being so taken, located upon adjoining lands owned or held by such party, the probable damages to such business which the denial of the use of the property so taken may reasonably cause; any person claiming the right to recover such special damages shall set forth in his or her written defenses the nature and extent of such damages; and

(c) Where the appropriation is of property upon which a mobile home, other than a travel trailer as defined in s. 320.01, is located, whether or not the owner of the mobile home is an owner or lessee of the property involved, and the effect of the taking of the property involved requires the relocation of such mobile home, the reasonable removal or relocation expenses incurred by such mobile home owner, not to exceed the replacement value of such mobile home. The compensation paid to a mobile home owner under this paragraph shall preclude an award to a mobile home park owner for such expenses of removal or relocation. Any mobile home owner claiming the right to such removal or relocation expenses shall set forth in his or her written defenses the nature and extent of such expenses. This paragraph shall not apply to any governmental authority exercising its power of eminent domain when reasonable removal or relocation expenses must be paid to mobile home owners under other provisions of law or agency rule applicable to such exercise of power.

And the title is amended as follows:

On page 2, line 28, after the semicolon (;) and insert: repealing s. 59, ch. 99-385, Laws of Florida; abrogating the repeal of provisions governing business damages in eminent domain actions; amending s. 73.071, F.S.; providing for the age required of a standing business in order to qualify for business damages;

Pursuant to Rule 4.19, **CS for CS for CS for SB 502** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SB 988—A bill to be entitled An act relating to switched network access rates; amending s. 364.10, F.S.; revising provisions for Lifeline Assistance Plan service; providing for certification and maintenance of claims by Office of Public Counsel; amending s. 364.163, F.S.; revising provisions relating to caps on rates; deleting provisions relating to recovery of costs of government programs; revising provisions relating to rate changes; providing for adjustments in long distance revenues and pass-through to customers; creating s. 364.164, F.S.; providing for establishment of revenue categories; providing for notification; providing for timetable for reductions in access rates; providing for revenue neutrality; providing for notice; providing definitions; providing for oversight of local exchange companies; providing an effective date.

—which was previously considered this day. Pending **Amendment 1A (435478)** by Senator Wasserman Schultz was withdrawn and **Amendment 1 (254502)** by Senator Campbell was adopted.

REMARKS

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

Senator Posey: Senator from the 33rd, I received a number of emails indicating that it is a foregone conclusion if this bill passes the basic telephone rate to residential customers in my district is going up to $3.00 per phone. Is that true?

Senator Campbell: That is not totally true. It might happen, but the PSC has to make that determination.

Senator Posey: So it is not a foregone conclusion and we would have to prove that before the PSC?

Senator Campbell: Yes.

SENATOR CARLTON PRESIDING

Pending further consideration of **CS for SB 988** as amended, on motion by Senator Campbell, by two-thirds vote **CS for HB 1683** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Campbell—

CS for HB 1683—A bill to be entitled An act relating to switched network access rates; amending s. 364.10, F.S.; revising provisions for Lifeline Assistance Plan service; providing for certification and maintenance of claims by Office of Public Counsel; requiring certain local exchange telecommunications companies to provide specified materials relating to the plan; requiring state agencies to provide such material to affected applicants; exempting plan beneficiaries from certain rate increases under certain circumstances; providing for notification; amending s. 364.163, F.S.; revising provisions relating to caps on rates; deleting provisions relating to recovery of costs of government programs; revising provisions relating to rate changes; providing for adjustments in long distance revenues and pass-through to customers; maintaining continuing oversight by the commission; creating s.364.164, F.S.; providing findings; providing for petition to the commission for reduction of access rates; providing for final order; providing for criteria; providing for establishment of revenue category mechanisms; providing for notification; providing for revenue neutrality; providing for notice; providing limitations on adjustments; providing for pricing units; maintaining exemptions; providing definitions; providing an effective date.

—a companion measure, was substituted for **CS for SB 988** as amended and read the second time by title.

Senator Brown-Waite moved the following amendment which failed:

Amendment 1 (395748)—On page 9, lines 4-30, delete those lines and redesignate subsequent sections.

MOTION

On motion by Senator Lee, the rules were waived and time of recess was extended until completion of selected bills on the Special Order Calendar.

Pursuant to Rule 4.19, **CS for HB 1683** was placed on the calendar of Bills on Third Reading.

On motion by Senator Futch, by two-thirds vote **CS for HB 1641** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations.

On motion by Senator Futch, by unanimous consent—

CS for HB 1641—A bill to be entitled An act relating to law enforcement; amending s. 943.12, F.S.; requiring the Criminal Justice Standards and Training Commission to conduct inquiries of criminal justice training instructors; amending s. 943.13, F.S.; authorizing physician assistants to examine law enforcement officers as a condition of employment; amending s. 943.131, F.S.; revising provisions relating to minimum basic training for temporary employees and officers; amending s. 943.135, F.S.; deleting requirement to provide a remediation program for certain officers; amending s. 943.14, F.S.; revising provisions relating to commission-certified criminal justice training schools; authorizing employing agencies to submit information regarding fingerprints and criminal history checks; amending s. 943.17, F.S.; revising provisions relating to basic recruit, advanced, and career development programs; providing for a specialized training program; amending s. 943.173, F.S.; removing requirement that certain examinations be adopted by the commission; amending s. 943.175, F.S.; removing provisions relating to specialized training programs; amending s. 943.22, F.S.; clarifying authority for accreditation; amending s. 943.25, F.S.; prohibiting the assessment of costs for advanced and specialized training under certain circumstances; conforming a cross reference; amending s. 316.640, F.S.; revising provisions relating to required instruction for certain traffic officers; amending s. 790.065, F.S., relating to the sale and delivery of weapons and firearms; extending the date of repeal of such section; providing an effective date.

—a companion measure, was taken up out of order and by two-thirds vote substituted for **CS for SB 2288** and by two-thirds vote read the second time by title.

Senator Futch moved the following amendment which was adopted:

Amendment 1 (231210)(with title amendment)—On page 20, lines 18-23, delete those lines and insert:

Section 12. Effective upon this act becoming a law, subsection (14) of section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

(14) This section is repealed effective June 1, *2004* ~~2002~~.

Section 13. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2002.

And the title is amended as follows:

On page 2, lines 6 and 7, delete "an effective date" and insert: effective dates

Pursuant to Rule 4.19, **CS for HB 1641** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **CS for HB 913** was withdrawn from the Committees on Health, Aging and Long-Term Care; and Appropriations.

On motion by Senator Latvala, by unanimous consent—

CS for HB 913—A bill to be entitled An act relating to health care; amending s. 627.6699, F.S.; revising a definition; authorizing carriers to separate certain experience groups for certain purposes; providing limitations for rates under an alternative modified community rating under certain circumstances; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and flexible health benefit plans; including coverage for diabetes treatment in certain plans, policies, and contracts; revising certain disclosure requirements; providing additional notice requirements; 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; 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; providing exemptions; providing an effective date.

—a companion measure, was taken up out of order and by two-thirds vote substituted for **CS for CS for SB's 1286, 1134 and 1008** and by two-thirds vote read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (913362)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Health flex plans.—*

(1) INTENT.—The Legislature finds that a significant proportion of the residents of this state are unable to obtain affordable health insurance coverage. Therefore, it is the intent of the Legislature to expand the availability of health care options for low-income uninsured state residents by encouraging health insurers, health maintenance organizations, health-care-provider-sponsored organizations, local governments, health care districts, or other public or private community-based organizations to develop alternative approaches to traditional health insurance which emphasize coverage for basic and preventive health care services. To the maximum extent possible, these options should be coordinated with existing governmental or community-based health services programs in a manner that is consistent with the objectives and requirements of such programs.

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

(a) "Agency" means the Agency for Health Care Administration.

(b) "Department" means the Department of Insurance.

(c) "Enrollee" means an individual who has been determined to be eligible for and is receiving health care coverage under a health flex plan approved under this section.

(d) "Health care coverage" or "health flex plan coverage" means health care services that are covered as benefits under an approved health flex plan or that are otherwise provided, either directly or through arrangements with other persons, via a health flex plan on a prepaid per-capita basis or on a prepaid aggregate fixed-sum basis.

(e) "Health flex plan" means a health plan approved under subsection (3) which guarantees payment for specified health care coverage provided to the enrollee.

(f) "Health flex plan entity" means a health insurer, health maintenance organization, health care provider-sponsored organization, local government, health care district, or other public or private community-based organization that develops and implements an approved health flex plan and is responsible for administering the health flex plan and paying all claims for health flex plan coverage by enrollees of the health flex plan.

(3) PILOT PROGRAM.—The agency and the department shall each approve or disapprove health flex plans that provide health care coverage for eligible participants who reside in the three areas of the state that have the highest number of uninsured persons, as identified in the Florida Health Insurance Study conducted by the agency and in Indian River County. A health flex plan may limit or exclude benefits otherwise required by law for insurers offering coverage in this state, may cap the total amount of claims paid per year per enrollee, may limit the number of enrollees, or may take any combination of those actions.

(a) The agency shall develop guidelines for the review of applications for health flex plans and shall disapprove or withdraw approval of plans that do not meet or no longer meet minimum standards for quality of care and access to care.

(b) The department shall develop guidelines for the review of health flex plan applications and shall disapprove or shall withdraw approval of plans that:

1. Contain any ambiguous, inconsistent, or misleading provisions or any exceptions or conditions that deceptively affect or limit the benefits purported to be assumed in the general coverage provided by the health flex plan;

2. Provide benefits that are unreasonable in relation to the premium charged or contain provisions that are unfair or inequitable or contrary to the public policy of this state, that encourage misrepresentation, or that result in unfair discrimination in sales practices; or

3. Cannot demonstrate that the health flex plan is financially sound and that the applicant is able to underwrite or finance the health care coverage provided.

(c) The agency and the department may adopt rules as needed to administer this section.

(4) LICENSE NOT REQUIRED.—Neither the licensing requirements of the Florida Insurance Code nor chapter 641, Florida Statutes, relating to health maintenance organizations, is applicable to a health flex plan approved under this section, unless expressly made applicable. However, for the purpose of prohibiting unfair trade practices, health flex plans are considered to be insurance subject to the applicable provisions of part IX of chapter 626, Florida Statutes, except as otherwise provided in this section.

(5) ELIGIBILITY.—Eligibility to enroll in an approved health flex plan is limited to residents of this state who:

(a) Are 64 years of age or younger;

(b) Have a family income equal to or less than 200 percent of the federal poverty level;

(c) Are not covered by a private insurance policy and are not eligible for coverage through a public health insurance program, such as Medicare or Medicaid, or another public health care program, such as KidCare, and have not been covered at any time during the past 6 months; and

(d) Have applied for health care coverage through an approved health flex plan and have agreed to make any payments required for participation, including periodic payments or payments due at the time health care services are provided.

(6) RECORDS.—Each health flex plan shall maintain enrollment data and reasonable records of its losses, expenses, and claims experience and shall make those records reasonably available to enable the department to monitor and determine the financial viability of the health flex plan, as necessary. Provider networks and total enrollment by area shall be reported to the agency biannually to enable the agency to monitor access to care.

(7) NOTICE.—The denial of coverage by a health flex plan, or the nonrenewal or cancellation of coverage, must be accompanied by the specific reasons for denial, nonrenewal, or cancellation. Notice of nonrenewal or cancellation must be provided at least 45 days in advance of the nonrenewal or cancellation, except that 10 days' written notice must be given for cancellation due to nonpayment of premiums. If the health flex plan fails to give the required notice, the health flex plan coverage must remain in effect until notice is appropriately given.

(8) NONENTITLEMENT.—Coverage under an approved health flex plan is not an entitlement, and a cause of action does not arise against the state, a local government entity, or any other political subdivision of this state, or against the agency, for failure to make coverage available to eligible persons under this section.

(9) PROGRAM EVALUATION.—The agency and the department shall evaluate the pilot program and its effect on the entities that seek approval as health flex plans, on the number of enrollees, and on the scope of the health care coverage offered under a health flex plan; shall provide an assessment of the health flex plans and their potential applicability in other settings; and shall, by January 1, 2004, jointly submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(10) EXPIRATION.—This section expires July 1, 2004.

Section 2. Section 408.7057, Florida Statutes, is amended to read:

408.7057 Statewide provider and *health plan* ~~managed care organization~~ claim dispute resolution program.—

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

(a) "Agency" means the Agency for Health Care Administration.

(b)~~(a)~~ "*Health plan* ~~Managed care organization~~" means a health maintenance organization or a prepaid health clinic certified under chapter 641, a prepaid health plan authorized under s. 409.912, ~~or~~ an exclusive provider organization certified under s. 627.6472*, or a major medical expense health insurance policy as defined in s. 627.643(2)(e) offered by a group or an individual health insurer licensed pursuant to chapter 624, including a preferred provider organization under s. 627.6471.*

(c)~~(b)~~ "Resolution organization" means a qualified independent third-party claim-dispute-resolution entity selected by and contracted with the Agency for Health Care Administration.

(2)(a) The agency ~~for Health Care Administration~~ shall establish a program ~~by January 1, 2001,~~ to provide assistance to contracted and noncontracted providers and *health plans* ~~managed care organizations~~ for resolution of claim disputes that are not resolved by the provider and the *health plan* ~~managed care organization~~. The agency shall contract with a resolution organization to timely review and consider claim disputes submitted by providers and *health plans* ~~managed care organizations~~ and recommend to the agency an appropriate resolution of those disputes. The agency shall establish by rule jurisdictional amounts and methods of aggregation for claim disputes that may be considered by the resolution organization.

(b) The resolution organization shall review claim disputes filed by contracted and noncontracted providers and *health plans* ~~managed care organizations~~ unless the disputed claim:

1. Is related to interest payment;

2. Does not meet the jurisdictional amounts or the methods of aggregation established by agency rule, as provided in paragraph (a);

3. Is part of an internal grievance in a Medicare managed care organization or a reconsideration appeal through the Medicare appeals process;

4. Is related to a health plan that is not regulated by the state;

5. Is part of a Medicaid fair hearing pursued under 42 C.F.R. ss. 431.220 et seq.;

6. Is the basis for an action pending in state or federal court; or

7. Is subject to a binding claim-dispute-resolution process provided by contract entered into prior to October 1, 2000, between the provider and the managed care organization.

(c) Contracts entered into or renewed on or after October 1, 2000, may require exhaustion of an internal dispute-resolution process as a prerequisite to the submission of a claim by a provider or *a* health *plan* ~~maintenance organization~~ to the resolution organization ~~when the dispute-resolution program becomes effective~~.

(d) A contracted or noncontracted provider or health maintenance organization may not file a claim dispute with the resolution organization more than 12 months after a final determination has been made on a claim by a health maintenance organization.

(e) The resolution organization shall require the health plan or provider submitting the claim dispute to submit any supporting documentation to the resolution organization within 15 days after receipt by the health plan or provider of a request from the resolution organization for documentation in support of the claim dispute. The resolution organization may extend the time if appropriate. Failure to submit the supporting documentation within such time period shall result in the dismissal of the submitted claim dispute.

(f) The resolution organization shall require the respondent in the claim dispute to submit all documentation in support of its position within 15 days after receiving a request from the resolution organization for supporting documentation. The resolution organization may extend the time if appropriate. Failure to submit the supporting documentation within such time period shall result in a default against the health plan or provider. In the event of such a default, the resolution organization shall issue its written recommendation to the agency that a default be entered against the defaulting entity. The written recommendation shall include a recommendation to the agency that the defaulting entity shall pay the entity submitting the claim dispute the full amount of the claim dispute, plus all accrued interest, and shall be considered a nonprevailing party for the purposes of this section.

(g)1. If on an ongoing basis during the preceding 12 months, the agency has reason to believe that a pattern of noncompliance with ss. 627.6131 and 641.3155 exists on the part of a particular health plan or provider, the agency shall evaluate the information contained in these cases to determine whether the information evidences a pattern and report its findings, together with substantiating evidence, to the appropriate licensure or certification entity for the health plan or provider.

2. In addition, the agency shall prepare an annual report to the Governor and the Legislature by February 1 of each year, enumerating the claims dismissed, the defaults issued, and the failures to comply with agency final orders issued under this section.

(3) The agency shall adopt rules to establish a process to be used by the resolution organization in considering claim disputes submitted by a provider or *health plan* ~~managed care organization~~ which must include the issuance by the resolution organization of a written recommendation, supported by findings of fact, to the agency within 60 days after *the requested information is received by the resolution organization within the timeframes specified by the resolution organization. In no event shall the review time exceed 90 days following receipt of the initial claim dispute submission by the resolution organization* receipt of the claim dispute submission.

(4) Within 30 days after receipt of the recommendation of the resolution organization, the agency shall adopt the recommendation as a final order.

(5) The agency shall notify within 7 days the appropriate licensure or certification entity whenever there is a violation of a final order issued by the agency pursuant to this section.

(6)~~(5)~~ The entity that does not prevail in the agency's order must pay a review cost to the review organization, as determined by agency rule. Such rule must provide for an apportionment of the review fee in any case in which both parties prevail in part. If the nonprevailing party fails to pay the ordered review cost within 35 days after the agency's order, the nonpaying party is subject to a penalty of not more than $500 per day until the penalty is paid.

(7)~~(6)~~ The agency ~~for Health Care Administration~~ may adopt rules to administer this section.

Section 3. Effective July 1, 2002, paragraph (o) of subsection (3) of section 456.053, Florida Statutes, is amended to read:

456.053 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(o) "Referral" means any referral of a patient by a health care provider for health care services, including, without limitation:

1. The forwarding of a patient by a health care provider to another health care provider or to an entity which provides or supplies designated health services or any other health care item or service; or

2. The request or establishment of a plan of care by a health care provider, which includes the provision of designated health services or other health care item or service.

3. The following orders, recommendations, or plans of care shall not constitute a referral by a health care provider:

a. By a radiologist for diagnostic-imaging services.

b. By a physician specializing in the provision of radiation therapy services for such services.

c. By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist's patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.

d. By a cardiologist for cardiac catheterization services.

e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider's or group practice's own patients, and that are provided or performed by or under the direct supervision of such referring health care provider or group practice; provided, however, that effective July 1, 1999, a physician licensed pursuant to chapter 458, chapter 459, chapter 460, or chapter 461 may refer a patient to a sole provider or group practice for diagnostic imaging services, excluding radiation therapy services, for which the sole provider or group practice billed both the technical and the professional fee for or on behalf of the patient, if the referring physician has no investment interest in the practice. The diagnostic imaging service referred to a group practice or sole provider must be a diagnostic imaging service normally provided within the scope of practice to the patients of the group practice or sole provider. The group practice or sole provider may accept no more that 15 percent of their patients receiving diagnostic imaging services from outside referrals, excluding radiation therapy services.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 395.

~~h. By a health care provider for diagnostic clinical laboratory services where such services are directly related to renal dialysis.~~

h.~~i.~~ By a urologist for lithotripsy services.

i.~~j.~~ By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.

j.~~k.~~ By a physician for infusion therapy services to a patient of that physician or a member of that physician's group practice.

k.~~l.~~ By a nephrologist for renal dialysis services and supplies*, except laboratory services*.

l. By a health care provider whose principal professional practice consists of treating patients in their private residences for services to be rendered in such private residences. For purposes of this sub-subparagraph, the term "private residences" includes patient's private homes, independent living centers, and assisted living facilities, but does not include skilled nursing facilities.

Section 4. Subsection (1) of section 626.88, Florida Statutes, is amended to read:

626.88 Definitions of "administrator" and "insurer".—

(1) For the purposes of this part, an "administrator" is any person who directly or indirectly solicits or effects coverage of, collects charges

or premiums from, or adjusts or settles claims on residents of this state in connection with authorized commercial self-insurance funds or with insured or self-insured programs which provide life or health insurance coverage or coverage of any other expenses described in s. 624.33(1) *or any person who, through a health care risk contract as defined in s. 641.234 with an insurer or health maintenance organization, provides billing and collection services to health insurers and health maintenance organizations on behalf of health care providers*, other than any of the following persons:

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

(b) A union on behalf of its members.

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

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

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

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

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

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

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

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

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

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

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

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

(o) Any provider or group practice, as defined in s. 456.053, providing services under the scope of the license of the provider or the member of the group practice.

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

Section 5. Paragraph (a) of subsection (6) of section 627.410, Florida Statutes, is amended, paragraphs (f) and (g) are added to subsection (6) of that section, and paragraph (f) is added to subsection (7) of that section, to read:

627.410 Filing, approval of forms.—

(6)(a) An insurer shall not deliver or issue for delivery or renew in this state any health insurance policy form until it has filed with the department a copy of every applicable rating manual, rating schedule, change in rating manual, and change in rating schedule; if rating manuals and rating schedules are not applicable, the insurer must file with the department applicable premium rates and any change in applicable premium rates. *This paragraph does not apply to group health insurance policies, effectuated and delivered in this state, insuring groups of 51 or more persons, except for Medicare supplement insurance, long-term care insurance, and any coverage under which the increase in claim costs over the lifetime of the contract due to advancing age or duration is prefunded in the premium.*

(f) Notwithstanding the requirements of subsection (2), an insurer that files changes in rates, rating manuals, or rating schedules with the department for individual health policies as described in s. 627.6561(5)(a)2., but excluding Medicare supplement policies, according to this paragraph may begin providing required notice to policyholders and charging corresponding adjusted rates in accordance with s. 627.6043, upon filing, if the insurer certifies that it has met the criteria of subparagraphs 1., 2., and 3. Filings submitted under this paragraph must contain the same information and demonstrations and must meet the same requirements as rate filings submitted for approval under this section, including the requirements of s. 627.411, except as indicated in this paragraph.

1. The insurer must have complied with annual rate-filing requirements then in effect pursuant to subsection (7) since October 1, 2002, or for the previous 2 years, whichever is less, and must have filed and implemented actuarially justifiable rate adjustments at least annually during this period. This subparagraph does not prevent an insurer from filing rate adjustments more often than annually.

2. The insurer must have pooled experience for applicable individual health policy forms in accordance with the requirements of subparagraph (6)(e)3. Rate changes used on a form must not vary by the experience of that form or the health status of covered individuals on that form but must be based on the experience of all forms, including rating characteristics as defined in this paragraph.

3. Rates for the policy form are anticipated to meet a minimum loss ratio of 65 percent over the expected life of the form.

Rates for all individual health policy forms issued on or after October 1, 2002, must be based upon the same factors for each rating characteristic. As used in this paragraph, the term "rating characteristics" means demographic characteristics of individuals, including, but not limited to, geographic area factors, benefit design, smoking status, and health status at issue.

(g) After filing a change of rates for an individual health policy under paragraph (f), an insurer may be required to furnish additional information to demonstrate compliance with this section and s. 627.411. If the department finds that the adjusted rates are not reasonable in relation to premiums charged under the standards of this section and s. 627.411, the department may order appropriate corrective action.

(7)

(f) Insurers with fewer than 1,000 nationwide policyholders or insured group members or subscribers covered under any form or pooled group of forms with health insurance coverage, as described in s. 627.6561(5)(a)2., excluding Medicare supplement insurance coverage under part VIII, at the time of a rate filing made under subparagraph (b)1., may file for an annual rate increase limited to medical trend as adopted by the department under s. 627.411(4). The filing is in lieu of the

actuarial memorandum required for a rate filing prescribed by paragraph (b). The filing must include forms adopted by the department and a certification by an officer of the company that the filing includes all similar forms.

Section 6. Paragraph (e) of subsection (1) of section 627.411, Florida Statutes, is amended, and subsections (3), (4), and (5) are added to that section, to read:

627.411 Grounds for disapproval.—

(1) The department shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(e) Is for health insurance, and*:*

1. Provides benefits *that* ~~which~~ are unreasonable in relation to the premium charged *based on the original filed and approved loss ratio for the form and rules adopted by the department under s. 627.410(6)(b);*~~,~~

2. Contains provisions *that* ~~which~~ are unfair or inequitable or contrary to the public policy of this state or *that* ~~which~~ encourage misrepresentation*;*~~, or~~

3. Contains provisions that ~~which~~ apply rating practices *that* ~~which~~ result in ~~premium escalations that are not viable for the policyholder market or result in~~ unfair discrimination *under s. 626.9541(1)(g)2.; or* ~~in sales practices.~~

4. Results in actuarially justified annual rate increases:

a. Which includes a reduction by the insurer of its loss ratio that affects the rate by more than the greater of 50 percent of trend or 5 percent. At its option, the insurer may file for approval of the actuarially justified rate schedule for new insureds and a rate increase for existing insureds where the increase due to the loss ratio reduction is limited to the greater of 50 percent of medical trend or 5 percent. Future annual rate increases for existing insureds must be limited to the greater of 150 percent of the rate increase approved for new insureds or 10 percent until the two rate schedules converge;

b. In excess of the greater of 150 percent of annual medical trend or 10 percent and the company did not comply with the annual filing requirements of s. 627.410(7) or department rule for health maintenance organizations pursuant to s. 641.31. At its option, the insurer may file for approval of an actuarially justified new business rate schedule for new insureds and a rate increase for existing insureds which is equal to the rate increase otherwise allowed by this sub-subparagraph. Future annual rate increases for existing insureds are limited to the greater of 150 percent of the rate increase approved for new insureds or 10 percent until the two rate schedules converge; or

c. In excess of the greater of 150 percent of annual medical trend or 10 percent on a form or block of pooled forms in which no form is currently available for sale. This sub-subparagraph does not apply to prestandardized Medicare supplement forms.

(3) If a health insurance rate filing changes the established rate relationships between insureds, the aggregate effect of such a change must be revenue-neutral. The change to the new relationship must be phased-in over a period approved by the department. The department may not require the phase-in period to exceed 3 years in duration. The rate filing may also include increases based on overall experience or annual medical trend, or both, which portions are not to be phased-in pursuant to this subsection.

(4) Individual health insurance policies that are subject to renewability requirements of s. 627.6425 are guaranteed renewable for purposes of establishing loss ratio standards and must comply with the same loss ratio standards as other guaranteed renewable forms.

(5) In determining medical trend for application of subparagraph (1)(e)4., the department shall semiannually determine medical trend for each health care market, using reasonable actuarial techniques and standards. The trend must be adopted by the department by rule and determined as follows:

(a) Trend must be determined separately for medical expense, preferred provider organization, Medicare supplement, health maintenance organization, and other coverage for individual, small group, and large group, where applicable.

(b) The department shall survey insurers and health maintenance organizations currently issuing products and representing at least an 80-percent market share based on premiums earned in the state for the most recent calendar year for each of the categories specified in paragraph (a).

(c) Trend must be computed as the average annual medical trend approved for the carriers surveyed, giving appropriate weight to each carrier's statewide market share of earned premiums.

(d) The annual trend is the annual change in claims cost per unit of exposure. Trend includes the combined effect of medical provider price changes, changes in utilization, new medical procedures, and technology and cost shifting.

Section 7. Section 627.6131, Florida Statutes, is created to read:

627.6131 Payment of claims.—

(1) The contract shall include the following provision:

"Time of Payment of Claims: After receiving written proof of loss, the insurer will pay monthly all benefits then due for ...(type of benefit).... Benefits for any other loss covered by this policy will be paid as soon as the insurer receives proper written proof."

(2) As used in this section, the term "claim" for a noninstitutional provider means a paper or electronic billing instrument submitted to the insurer's designated location that consists of the HCFA 1500 data set, or its successor, that has all mandatory entries for a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 463; a psychologist licensed under chapter 490; or any appropriate billing instrument that has all mandatory entries for any other noninstitutional provider. For institutional providers, "claim" means a paper or electronic billing instrument submitted to the insurer's designated location that consists of the UB-92 data set or its successor, with entries stated as mandatory by the National Uniform Billing Committee.

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

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

(b) Must be mailed or electronically transferred to an insurer within 6 months after completion of the service and the provider is furnished with the correct name and address of the patient's health insurer. If a provider's claim is submitted electronically, it is considered made on the date it is electronically transferred.

(c) Must not duplicate a claim previously submitted unless it is determined that the original claim was not received or is otherwise lost.

(4) For all electronically submitted claims, a health insurer shall:

(a) Within 24 hours after the beginning of the next business day after receipt of the claim, provide electronic acknowledgment of the receipt of the claim to the electronic source submitting the claim.

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

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

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

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

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

(e) A claim must be paid or denied within 90 days after receipt of the claim. Failure to pay or deny a claim within 120 days after receipt of the claim creates an uncontestable obligation to pay the claim.

(5) For all nonelectronically submitted claims, a health insurer shall:

(a) Effective November 1, 2003, provide acknowledgment of receipt of the claim within 15 days after receipt of the claim to the provider or provide a provider within 15 days after receipt with electronic access to the status of a submitted claim.

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

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

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

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

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

(e) A claim must be paid or denied within 120 days after receipt of the claim. Failure to pay or deny a claim within 140 days after receipt of the claim creates an uncontestable obligation to pay the claim.

(6) If a health insurer determines that it has made an overpayment to a provider for services rendered to an insured, the health insurer must make a claim for such overpayment to the provider's designated location. A health insurer that makes a claim for overpayment to a provider under this section shall give the provider a written or electronic statement specifying the basis for the retroactive denial or payment adjustment. The insurer must identify the claim or claims, or overpayment claim portion thereof, for which a claim for overpayment is submitted.

(a) If an overpayment determination is the result of retroactive review or audit of coverage decisions or payment levels not related to fraud, a health insurer shall adhere to the following procedures:

1. All claims for overpayment must be submitted to a provider within 30 months after the health insurer's payment of the claim. A provider must pay, deny, or contest the health insurer's claim for overpayment within 40 days after the receipt of the claim. All contested claims for overpayment must be paid or denied within 120 days after receipt of the claim. Failure to pay or deny overpayment and claim within 140 days after receipt creates an uncontestable obligation to pay the claim.

2. A provider that denies or contests a health insurer's claim for overpayment or any portion of a claim shall notify the health insurer, in writing, within 35 days after the provider receives the claim that the claim for overpayment is contested or denied. The notice that the claim for overpayment is denied or contested must identify the contested portion of the claim and the specific reason for contesting or denying the claim and, if contested, must include a request for additional information. If the health insurer submits additional information, the health insurer must, within 35 days after receipt of the request, mail or electronically transfer the information to the provider. The provider shall pay or deny the claim for overpayment within 45 days after receipt of the information. The notice is considered made on the date the notice is mailed or electronically transferred by the provider.

3. Failure of a health insurer to respond to a provider's contesting of claim or request for additional information regarding the claim within 35 days after receipt of such notice may result in denial of the claim.

4. The health insurer may not reduce payment to the provider for other services unless the provider agrees to the reduction in writing or fails to respond to the health insurer's overpayment claim as required by this paragraph.

5. Payment of an overpayment claim is considered made on the date the payment was mailed or electronically transferred. An overdue payment of a claim bears simple interest at the rate of 12 percent per year. Interest on an overdue payment for a claim for an overpayment begins to accrue when the claim should have been paid, denied, or contested.

(b) A claim for overpayment shall not be permitted beyond 30 months after the health insurer's payment of a claim, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234.

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

(8) For all contracts entered into or renewed on or after October 1, 2002, a health insurer's internal dispute resolution process related to a denied claim not under active review by a mediator, arbitrator, or third-party dispute entity must be finalized within 60 days after the receipt of the provider's request for review or appeal.

(9) A provider or any representative of a provider, regardless of whether the provider is under contract with the health insurer, may not collect or attempt to collect money from, maintain any action at law against, or report to a credit agency an insured for payment of covered services for which the health insurer contested or denied the provider's claim. This prohibition applies during the pendency of any claim for payment made by the provider to the health insurer for payment of the services or internal dispute resolution process to determine whether the health insurer is liable for the services. For a claim, this pendency applies from the date the claim or a portion of the claim is denied to the date of the completion of the health insurer's internal dispute resolution process, not to exceed 60 days.

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

(11) A health insurer may not retroactively deny a claim because of insured ineligibility more than 1 year after the date of payment of the claim.

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

(13) Upon written notification by an insured, an insurer shall investigate any claim of improper billing by a physician, hospital, or other health care provider. The insurer shall determine if the insured was properly billed for only those procedures and services that the insured

actually received. If the insurer determines that the insured has been improperly billed, the insurer shall notify the insured and the provider of its findings and shall reduce the amount of payment to the provider by the amount determined to be improperly billed. If a reduction is made due to such notification by the insured, the insurer shall pay to the insured 20 percent of the amount of the reduction up to $500.

(14) A permissible error ratio of 5 percent is established for insurer's claims payment violations of s. 627.6131(4)(a), (b), (c), and (e) and (5)(a), (b), (c), and (e). If the error ratio of a particular insurer does not exceed the permissible error ratio of 5 percent for an audit period, no fine shall be assessed for the noted claims violations for the audit period. The error ratio shall be determined by dividing the number of claims with violations found on a statistically valid sample of claims for the audit period by the total number of claims in the sample. If the error ratio exceeds the permissible error ratio of 5 percent, a fine may be assessed according to s. 624.4211 for those claims payment violations which exceed the error ratio. Notwithstanding the provisions of this section, the department may fine a health insurer for claims payment violations of s. 627.6131(4)(e) and (5)(e) which create an uncontestable obligation to pay the claim. The department shall not fine insurers for violations which the department determines were due to circumstances beyond the insurer's control.

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

(16) Notwithstanding s. 627.6131(4)(b), where an electronic pharmacy claim is submitted to a pharmacy benefits manager acting on behalf of a health insurer the pharmacy benefits manager shall, within 30 days of receipt of the claim, pay the claim or notify a provider or designee if a claim is denied or contested. Notice of the insurer's action on the claim and payment of the claim is considered to be made on the date the notice or payment was mailed or electronically transferred.

(17) Notwithstanding s. 627.6131(5)(a), effective November 1, 2003, where a nonelectronic pharmacy claim is submitted to a pharmacy benefits manager acting on behalf of a health insurer the pharmacy benefits manager shall provide acknowledgment of receipt of the claim within 30 days after receipt of the claim to the provider or provide a provider within 30 days after receipt with electronic access to the status of a submitted claim.

Section 8. Paragraph (a) of subsection (2) of section 627.6425, Florida Statutes, is amended to read:

627.6425 Renewability of individual coverage.—

(2) An insurer may nonrenew or discontinue health insurance coverage of an individual in the individual market based only on one or more of the following:

(a) The individual has failed to pay premiums*,* ~~or~~ contributions*, or a required copayment payable to the insurer* in accordance with the terms of the health insurance coverage or the insurer has not received timely premium payments. *When the copayment is payable to the insurer and exceeds $300, the insurer shall allow the insured up to 90 days after the date of the procedure to pay the required copayment. The insurer shall print in 10-point type on the declaration of benefits page notification that the insured could be terminated for failure to make any required copayment to the insurer.*

Section 9. Paragraphs (b), (c), and (e) of subsection (7) of section 627.6475, Florida Statutes, are amended to read:

627.6475 Individual reinsurance pool.—

(7) INDIVIDUAL HEALTH REINSURANCE PROGRAM.—

(b) A reinsuring carrier may reinsure with the program coverage of an eligible individual, subject to each of the following provisions:

1. A reinsuring carrier may reinsure an eligible individual within *90* ~~60~~ days after commencement of the coverage of the eligible individual.

2. The program may not reimburse a participating carrier with respect to the claims of a reinsured eligible individual until the carrier has paid incurred claims of *an amount equal to the participating carrier's selected deductible level, as established by the board,* ~~at least $5,000~~ in a calendar year for benefits covered by the program. ~~In addition, the reinsuring carrier is responsible for 10 percent of the next $50,000 and 5 percent of the next $100,000 of incurred claims during a calendar year, and the program shall reinsure the remainder.~~

3. The board shall annually adjust the initial level of claims and the maximum limit to be retained by the carrier to reflect increases in costs and utilization within the standard market for health benefit plans within the state. The adjustment may not be less than the annual change in the medical component of the "Commerce Price Index for All Urban Consumers" of the Bureau of Labor Statistics of the United States Department of Labor, unless the board proposes and the department approves a lower adjustment factor.

4. A reinsuring carrier may terminate reinsurance for all reinsured eligible individuals on any plan anniversary.

5. The premium rate charged for reinsurance by the program to a health maintenance organization that is approved by the Secretary of Health and Human Services as a federally qualified health maintenance organization pursuant to 42 U.S.C. s. 300e(c)(2)(A) and that, as such, is subject to requirements that limit the amount of risk that may be ceded to the program, which requirements are more restrictive than subparagraph 2., shall be reduced by an amount equal to that portion of the risk, if any, which exceeds the amount set forth in subparagraph 2., which may not be ceded to the program.

6. The board may consider adjustments to the premium rates charged for reinsurance by the program or carriers that use effective cost-containment measures, including high-cost case management, as defined by the board.

7. A reinsuring carrier shall apply its case-management and claims-handling techniques, including, but not limited to, utilization review, individual case management, preferred provider provisions, other managed-care provisions, or methods of operation consistently with both reinsured business and nonreinsured business.

(c)1. The board, as part of the plan of operation, shall establish a methodology for determining premium rates to be charged by the program for reinsuring eligible individuals pursuant to this section. The methodology must include a system for classifying individuals which reflects the types of case characteristics commonly used by carriers in this state. The methodology must provide for the development of basic reinsurance premium rates, which shall be multiplied by the factors set for them in this paragraph to determine the premium rates for the program. The basic reinsurance premium rates shall be established by the board, subject to the approval of the department, and shall be set at levels that reasonably approximate gross premiums charged to eligible individuals for individual health insurance by health insurance issuers. The premium rates set by the board may vary by geographical area, as determined under this section, to reflect differences in cost. ~~An eligible individual may be reinsured for a rate that is five times the rate established by the board.~~

2. The board shall periodically review the methodology established, including the system of classification and any rating factors, to ensure that it reasonably reflects the claims experience of the program. The board may propose changes to the rates that are subject to the approval of the department.

(e)1. Before *September* ~~March~~ 1 of each calendar year, the board shall determine and report to the department the program net loss in the individual account for the previous year, including administrative expenses for that year and the incurred losses for that year, taking into account investment income and other appropriate gains and losses.

2. Any net loss in the individual account for the year shall be recouped by assessing the carriers as follows:

a. The operating losses of the program shall be assessed in the following order subject to the specified limitations. The first tier of assessments shall be made against reinsuring carriers in an amount that may

not exceed 5 percent of each reinsuring carrier's premiums for individual health insurance. If such assessments have been collected and additional moneys are needed, the board shall make a second tier of assessments in an amount that may not exceed 0.5 percent of each carrier's health benefit plan premiums.

b. Except as provided in paragraph (f), risk-assuming carriers are exempt from all assessments authorized pursuant to this section. The amount paid by a reinsuring carrier for the first tier of assessments shall be credited against any additional assessments made.

c. The board shall equitably assess reinsuring carriers for operating losses of the individual account based on market share. The board shall annually assess each carrier a portion of the operating losses of the individual account. The first tier of assessments shall be determined by multiplying the operating losses by a fraction, the numerator of which equals the reinsuring carrier's earned premium pertaining to direct writings of individual health insurance in the state during the calendar year for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by reinsuring carriers in the state during that calendar year. The second tier of assessments shall be based on the premiums that all carriers, except risk-assuming carriers, earned on all health benefit plans written in this state. The board may levy interim assessments against reinsuring carriers to ensure the financial ability of the plan to cover claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for the calendar year prior to the association's anticipated receipt of annual assessments for that calendar year. Any interim assessment is due and payable within 30 days after receipt by a carrier of the interim assessment notice. Interim assessment payments shall be credited against the carrier's annual assessment. Health benefit plan premiums and benefits paid by a carrier that are less than an amount determined by the board to justify the cost of collection may not be considered for purposes of determining assessments.

d. Subject to the approval of the department, the board shall adjust the assessment formula for reinsuring carriers that are approved as federally qualified health maintenance organizations by the Secretary of Health and Human Services pursuant to 42 U.S.C. s. 300e(c)(2)(A) to the extent, if any, that restrictions are placed on them which are not imposed on other carriers.

3. Before *September* ~~March~~ 1 of each year, the board shall determine and file with the department an estimate of the assessments needed to fund the losses incurred by the program in the individual account for the previous calendar year.

4. If the board determines that the assessments needed to fund the losses incurred by the program in the individual account for the previous calendar year will exceed the amount specified in subparagraph 2., the board shall evaluate the operation of the program and report its findings and recommendations to the department in the format established in s. 627.6699(11) for the comparable report for the small employer reinsurance program.

Section 10. Subsection (4) of section 627.651, Florida Statutes, is amended to read:

627.651 Group contracts and plans of self-insurance must meet group requirements.—

(4) This section does not apply to any plan which is established or maintained by an individual employer in accordance with the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, or to a multiple-employer welfare arrangement as defined in s. 624.437(1), except that a multiple-employer welfare arrangement shall comply with ss. 627.419, 627.657, 627.6575, 627.6578, 627.6579, 627.6612, 627.66121, 627.66122, 627.6615, 627.6616, and *627.662(7)* ~~627.662(6)~~. This subsection does not allow an authorized insurer to issue a group health insurance policy or certificate which does not comply with this part.

Section 11. Section 627.662, Florida Statutes, is amended to read:

627.662 Other provisions applicable.—The following provisions apply to group health insurance, blanket health insurance, and franchise health insurance:

(1) Section 627.569, relating to use of dividends, refunds, rate reductions, commissions, and service fees.

(2) Section 627.602(1)(f) and (2), relating to identification numbers and statement of deductible provisions.

(3) Section 627.635, relating to excess insurance.

(4) Section 627.638, relating to direct payment for hospital or medical services.

(5) Section 627.640, relating to filing and classification of rates.

(6) Section 627.613, relating to timely payment of claims, or s. 627.6131, relating to payment of claims.

(7)~~(6)~~ Section 627.645(1), relating to denial of claims.

(8)~~(7)~~ Section 627.613, relating to time of payment of claims.

(9)~~(8)~~ Section 627.6471, relating to preferred provider organizations.

(10)~~(9)~~ Section 627.6472, relating to exclusive provider organizations.

(11)~~(10)~~ Section 627.6473, relating to combined preferred provider and exclusive provider policies.

(12)~~(11)~~ Section 627.6474, relating to provider contracts.

Section 12. Subsection (6) of section 627.667, Florida Statutes, is amended to read:

627.667 Extension of benefits.—

(6) This section also applies to holders of group certificates which are renewed, delivered, or issued for delivery to residents of this state under group policies effectuated or delivered outside this state~~, unless a succeeding carrier under a group policy has agreed to assume liability for the benefits~~.

Section 13. Paragraph (e) of subsection (5) of section 627.6692, Florida Statutes, as amended by section 1 of chapter 2001-353, Laws of Florida, is amended to read:

627.6692 Florida Health Insurance Coverage Continuation Act.—

(5) CONTINUATION OF COVERAGE UNDER GROUP HEALTH PLANS.—

(e)1. A covered employee or other qualified beneficiary who wishes continuation of coverage must pay the initial premium and elect such continuation in writing to the insurance carrier issuing the employer's group health plan within *63* ~~30~~ days after receiving notice from the insurance carrier under paragraph (d). Subsequent premiums are due by the grace period expiration date. The insurance carrier or the insurance carrier's designee shall process all elections promptly and provide coverage retroactively to the date coverage would otherwise have terminated. The premium due shall be for the period beginning on the date coverage would have otherwise terminated due to the qualifying event. The first premium payment must include the coverage paid to the end of the month in which the first payment is made. After the election, the insurance carrier must bill the qualified beneficiary for premiums once each month, with a due date on the first of the month of coverage and allowing a 30-day grace period for payment.

2. Except as otherwise specified in an election, any election by a qualified beneficiary shall be deemed to include an election of continuation of coverage on behalf of any other qualified beneficiary residing in the same household who would lose coverage under the group health plan by reason of a qualifying event. This subparagraph does not preclude a qualified beneficiary from electing continuation of coverage on behalf of any other qualified beneficiary.

Section 14. Paragraphs (i), (m), and (n) of subsection (3), paragraph (c) of subsection (5), paragraph (b) of subsection (6), paragraphs (f), (g), (h), and (j) of subsection (11), and subsections (12) and (15) of section 627.6699, Florida Statutes, are amended to read:

627.6699 Employee Health Care Access Act.—

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

(i) "Established geographic area" means the county or counties~~, or any portion of a county or counties,~~ within which the carrier provides or arranges for health care services to be available to its insureds, members, or subscribers.

(m) "*Flexible* ~~Limited~~ benefit policy or contract" means a policy or contract that provides coverage for each person insured under the policy *and* ~~for a specifically named disease or diseases, a specifically named accident, or a specifically named limited market~~ that fulfills *a* ~~an experimental or~~ reasonable need *by providing more affordable health insurance to a small employer or a small employer health alliance under s. 627.654*~~, such as the small group market~~.

(n) "Modified community rating" means a method used to develop carrier premiums which spreads financial risk across a large population; allows the use of separate rating factors for age, gender, family composition, tobacco usage, and geographic area as determined under paragraph (5)(j); and allows adjustments for: claims experience, health status, or duration of coverage as permitted under subparagraph (6)(b)5.; and administrative and acquisition expenses as permitted under subparagraph (6)(b)5.

(5) AVAILABILITY OF COVERAGE.—

(c) Every small employer carrier must, as a condition of transacting business in this state:

1. Beginning July 1, 2000, offer and issue all small employer health benefit plans on a guaranteed-issue basis to every eligible small employer, with 2 to 50 eligible employees, that elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. A rider for additional or increased benefits may be medically underwritten and may only be added to the standard health benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section.

2. Beginning July 1, 2000, and until July 31, 2001, offer and issue basic and standard small employer health benefit plans on a guaranteed-issue basis to every eligible small employer which is eligible for guaranteed renewal, has less than two eligible employees, is not formed primarily for the purpose of buying health insurance, elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. A rider for additional or increased benefits may be medically underwritten and may be added only to the standard benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section. For purposes of this subparagraph, a person, his or her spouse, and his or her dependent children shall constitute a single eligible employee if that person and spouse are employed by the same small employer and either one has a normal work week of less than 25 hours.

3.*a.* Beginning August 1, 2001, offer and issue basic and standard small employer health benefit plans on a guaranteed-issue basis, during a 31-day open enrollment period of August 1 through August 31 of each year, to every eligible small employer, with fewer than two eligible employees, which small employer is not formed primarily for the purpose of buying health insurance and which elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. Coverage provided under this subparagraph shall begin on October 1 of the same year as the date of enrollment, unless the small employer carrier and the small employer agree to a different date. A rider for additional or increased benefits may be medically underwritten and may only be added to the standard health benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section. For purposes of this subparagraph, a person, his or her spouse, and his or her dependent children constitute a single eligible employee if that person and spouse are employed by the same small employer and either that person or his or her spouse has a normal work week of less than 25 hours.

b. Notwithstanding the restrictions set forth in sub-subparagraph a., when a small employer group is losing coverage because a carrier is exercising the provisions of s. 627.6571(3)(b) or s. 641.31074(3)(b), the eligible small employer, as defined in sub-subparagraph a., is entitled to enroll with another carrier offering small employer coverage within 63 days after the notice of termination or the termination date of the prior coverage, whichever is later. Coverage provided under this sub-subparagraph begins immediately upon enrollment, unless the small employer carrier and the small employer agree to a different date.

4. This paragraph does not limit a carrier's ability to offer other health benefit plans to small employers if the standard and basic health benefit plans are offered and rejected.

(6) RESTRICTIONS RELATING TO PREMIUM RATES.—

(b) For all small employer health benefit plans that are subject to this section and are issued by small employer carriers on or after January 1, 1994, premium rates for health benefit plans subject to this section are subject to the following:

1. Small employer carriers must use a modified community rating methodology in which the premium for each small employer must be determined solely on the basis of the eligible employee's and eligible dependent's gender, age, family composition, tobacco use, or geographic area as determined under paragraph (5)(j) and in which the premium may be adjusted as permitted by subparagraphs 5.*,* ~~and~~ 6.*, and 7.*

2. Rating factors related to age, gender, family composition, tobacco use, or geographic location may be developed by each carrier to reflect the carrier's experience. The factors used by carriers are subject to department review and approval.

3. Small employer carriers may not modify the rate for a small employer for 12 months from the initial issue date or renewal date, unless the composition of the group changes or benefits are changed. However, a small employer carrier may modify the rate one time prior to 12 months after the initial issue date for a small employer who enrolls under a previously issued group policy that has a common anniversary date for all employers covered under the policy if:

a. The carrier discloses to the employer in a clear and conspicuous manner the date of the first renewal and the fact that the premium may increase on or after that date.

b. The insurer demonstrates to the department that efficiencies in administration are achieved and reflected in the rates charged to small employers covered under the policy.

4. A carrier may issue a group health insurance policy to a small employer health alliance or other group association with rates that reflect a premium credit for expense savings attributable to administrative activities being performed by the alliance or group association if such expense savings are specifically documented in the insurer's rate filing and are approved by the department. Any such credit may not be based on different morbidity assumptions or on any other factor related to the health status or claims experience of any person covered under the policy. Nothing in this subparagraph exempts an alliance or group association from licensure for any activities that require licensure under the insurance code. A carrier issuing a group health insurance policy to a small employer health alliance or other group association shall allow any properly licensed and appointed agent of that carrier to market and sell the small employer health alliance or other group association policy. Such agent shall be paid the usual and customary commission paid to any agent selling the policy.

5. ~~Any adjustments in rates for claims experience, health status, or duration of coverage may not be charged to individual employees or dependents. For a small employer's policy, such adjustments may not result in a rate for the small employer which deviates more than 15 percent from the carrier's approved rate. Any such adjustment must be applied uniformly to the rates charged for all employees and dependents of the small employer. A small employer carrier may make an adjustment to a small employer's renewal premium, not to exceed 10 percent annually, due to the claims experience, health status, or duration of coverage of the employees or dependents of the small employer. Semiannually, small group carriers shall report information on forms adopted by rule by the department, to enable the department to monitor the relationship of aggregate adjusted premiums actually charged policyholders by each carrier to the premiums that would have been charged~~

~~by application of the carrier's approved modified community rates. If the aggregate resulting from the application of such adjustment exceeds the premium that would have been charged by application of the approved modified community rate by 5 percent for the current reporting period, the carrier shall limit the application of such adjustments only to minus adjustments beginning not more than 60 days after the report is sent to the department. For any subsequent reporting period, if the total aggregate adjusted premium actually charged does not exceed the premium that would have been charged by application of the approved modified community rate by 5 percent, the carrier may apply both plus and minus adjustments.~~ A small employer carrier may provide a credit to a small employer's premium based on administrative and acquisition expense differences resulting from the size of the group. Group size administrative and acquisition expense factors may be developed by each carrier to reflect the carrier's experience and are subject to department review and approval.

6. A small employer carrier rating methodology may include separate rating categories for one dependent child, for two dependent children, and for three or more dependent children for family coverage of employees having a spouse and dependent children or employees having dependent children only. A small employer carrier may have fewer, but not greater, numbers of categories for dependent children than those specified in this subparagraph.

7. Small employer carriers may not use a composite rating methodology to rate a small employer with fewer than 10 employees. For the purposes of this subparagraph, a "composite rating methodology" means a rating methodology that averages the impact of the rating factors for age and gender in the premiums charged to all of the employees of a small employer.

8.a. A carrier may separate the experience of small employer groups with less than 2 eligible employees from the experience of small employer groups with 2-50 eligible employees for purposes of determining an alternative modified community rating.

b. If a carrier separates the experience of small employer groups as provided in sub-subparagraph a., the rate to be charged to small employer groups of less than 2 eligible employees may not exceed 150 percent of the rate determined for small employer groups of 2-50 eligible employees. However, the carrier may charge excess losses of the experience pool consisting of small employer groups with less than 2 eligible employees to the experience pool consisting of small employer groups with 2-50 eligible employees so that all losses are allocated and the 150-percent rate limit on the experience pool consisting of small employer groups with less than 2 eligible employees is maintained. Notwithstanding s. 627.411(1), the rate to be charged to a small employer group of fewer than 2 eligible employees, insured as of July 1, 2002, may be up to 125 percent of the rate determined for small employer groups of 2-50 eligible employees for the first annual renewal and 150 percent for subsequent annual renewals.

(11) SMALL EMPLOYER HEALTH REINSURANCE PROGRAM.—

(f) The program has the general powers and authority granted under the laws of this state to insurance companies and health maintenance organizations licensed to transact business, except the power to issue health benefit plans directly to groups or individuals. In addition thereto, the program has specific authority to:

1. Enter into contracts as necessary or proper to carry out the provisions and purposes of this act, including the authority to enter into contracts with similar programs of other states for the joint performance of common functions or with persons or other organizations for the performance of administrative functions.

2. Sue or be sued, including taking any legal action necessary or proper for recovering any assessments and penalties for, on behalf of, or against the program or any carrier.

3. Take any legal action necessary to avoid the payment of improper claims against the program.

4. Issue reinsurance policies, in accordance with the requirements of this act.

5. Establish rules, conditions, and procedures for reinsurance risks under the program participation.

6. Establish actuarial functions as appropriate for the operation of the program.

7. Assess participating carriers in accordance with paragraph (j), and make advance interim assessments as may be reasonable and necessary for organizational and interim operating expenses. Interim assessments shall be credited as offsets against any regular assessments due following the close of the calendar year.

8. Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the program, and in any other function within the authority of the program.

9. Borrow money to effect the purposes of the program. Any notes or other evidences of indebtedness of the program which are not in default constitute legal investments for carriers and may be carried as admitted assets.

10. To the extent necessary, increase the $5,000 deductible reinsurance requirement to adjust for the effects of inflation. *The program may evaluate the desirability of establishing differing levels of deductibles. If differing levels of deductibles are established, such levels and the resulting premiums must be approved by the department.*

(g) A reinsuring carrier may reinsure with the program coverage of an eligible employee of a small employer, or any dependent of such an employee, subject to each of the following provisions:

1. With respect to a standard and basic health care plan, the program *may* ~~must~~ reinsure the level of coverage provided; and, with respect to any other plan, the program *may* ~~must~~ reinsure the coverage up to, but not exceeding, the level of coverage provided under the standard and basic health care plan. *As an alternative to reinsuring the entire level of coverage provided, the program may develop corridors of reinsurance designed to coordinate with a reinsuring carrier's existing reinsurance. The corridors of reinsurance and resulting premiums must be approved by the department.*

2. Except in the case of a late enrollee, a reinsuring carrier may reinsure an eligible employee or dependent within *90* ~~60~~ days after the commencement of the coverage of the small employer. A newly employed eligible employee or dependent of a small employer may be reinsured within *90* ~~60~~ days after the commencement of his or her coverage.

3. A small employer carrier may reinsure an entire employer group within *90* ~~60~~ days after the commencement of the group's coverage under the plan. The carrier may choose to reinsure newly eligible employees and dependents of the reinsured group pursuant to subparagraph 1.

4. The program may evaluate the option of allowing a small employer carrier to reinsure an entire employer group or an eligible employee at the first or subsequent renewal date. Any such option and the resulting premium must be approved by the department.

5.~~4.~~ The program may not reimburse a participating carrier with respect to the claims of a reinsured employee or dependent until the carrier has paid incurred claims of *an amount equal to the participating carrier's selected deductible level* ~~at least $5,000~~ in a calendar year for benefits covered by the program. ~~In addition, the reinsuring carrier shall be responsible for 10 percent of the next $50,000 and 5 percent of the next $100,000 of incurred claims during a calendar year and the program shall reinsure the remainder.~~

6.~~5.~~ The board annually *may* ~~shall~~ adjust the initial level of claims and the maximum limit to be retained by the carrier to reflect increases in costs and utilization within the standard market for health benefit plans within the state. The adjustment shall not be less than the annual change in the medical component of the "Consumer Price Index for All Urban Consumers" of the Bureau of Labor Statistics of the Department of Labor, unless the board proposes and the department approves a lower adjustment factor.

7.~~6.~~ A small employer carrier may terminate reinsurance for all reinsured employees or dependents on any plan anniversary.

8.~~7.~~ The premium rate charged for reinsurance by the program to a health maintenance organization that is approved by the Secretary of Health and Human Services as a federally qualified health maintenance organization pursuant to 42 U.S.C. s. 300e(c)(2)(A) and that, as such, is subject to requirements that limit the amount of risk that may be ceded to the program, which requirements are more restrictive than subparagraph 4., shall be reduced by an amount equal to that portion of the risk, if any, which exceeds the amount set forth in subparagraph 4. which may not be ceded to the program.

9.~~8.~~ The board may consider adjustments to the premium rates charged for reinsurance by the program for carriers that use effective cost containment measures, including high-cost case management, as defined by the board.

10.~~9.~~ A reinsuring carrier shall apply its case-management and claims-handling techniques, including, but not limited to, utilization review, individual case management, preferred provider provisions, other managed care provisions or methods of operation, consistently with both reinsured business and nonreinsured business.

(h)1. The board, as part of the plan of operation, shall establish a methodology for determining premium rates to be charged by the program for reinsuring small employers and individuals pursuant to this section. The methodology shall include a system for classification of small employers that reflects the types of case characteristics commonly used by small employer carriers in the state. The methodology shall provide for the development of basic reinsurance premium rates, which shall be multiplied by the factors set for them in this paragraph to determine the premium rates for the program. The basic reinsurance premium rates shall be established by the board, subject to the approval of the department, and shall be set at levels which reasonably approximate gross premiums charged to small employers by small employer carriers for health benefit plans with benefits similar to the standard and basic health benefit plan. The premium rates set by the board may vary by geographical area, as determined under this section, to reflect differences in cost. ~~The multiplying factors must be established as follows:~~

~~a. The entire group may be reinsured for a rate that is 1.5 times the rate established by the board.~~

~~b. An eligible employee or dependent may be reinsured for a rate that is 5 times the rate established by the board.~~

2. The board periodically shall review the methodology established, including the system of classification and any rating factors, to assure that it reasonably reflects the claims experience of the program. The board may propose changes to the rates which shall be subject to the approval of the department.

(j)1. Before *September* ~~March~~ 1 of each calendar year, the board shall determine and report to the department the program net loss for the previous year, including administrative expenses for that year, and the incurred losses for the year, taking into account investment income and other appropriate gains and losses.

2. Any net loss for the year shall be recouped by assessment of the carriers, as follows:

a. The operating losses of the program shall be assessed in the following order subject to the specified limitations. The first tier of assessments shall be made against reinsuring carriers in an amount which shall not exceed 5 percent of each reinsuring carrier's premiums from health benefit plans covering small employers. If such assessments have been collected and additional moneys are needed, the board shall make a second tier of assessments in an amount which shall not exceed 0.5 percent of each carrier's health benefit plan premiums. Except as provided in paragraph (n), risk-assuming carriers are exempt from all assessments authorized pursuant to this section. The amount paid by a reinsuring carrier for the first tier of assessments shall be credited against any additional assessments made.

b. The board shall equitably assess carriers for operating losses of the plan based on market share. The board shall annually assess each carrier a portion of the operating losses of the plan. The first tier of assessments shall be determined by multiplying the operating losses by a fraction, the numerator of which equals the reinsuring carrier's earned premium pertaining to direct writings of small employer health benefit plans in the state during the calendar year for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by reinsuring carriers in the state during that calendar year. The second tier of assessments shall be based on the premiums that all carriers, except risk-assuming carriers, earned on all health benefit plans written in this state. The board may levy interim assessments against carriers to ensure the financial ability of the plan to cover claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for the calendar year prior to the association's anticipated receipt of annual assessments for that calendar year. Any interim assessment is due and payable within 30 days after receipt by a carrier of the interim assessment notice. Interim assessment payments shall be credited against the carrier's annual assessment. Health benefit plan premiums and benefits paid by a carrier that are less than an amount determined by the board to justify the cost of collection may not be considered for purposes of determining assessments.

c. Subject to the approval of the department, the board shall make an adjustment to the assessment formula for reinsuring carriers that are approved as federally qualified health maintenance organizations by the Secretary of Health and Human Services pursuant to 42 U.S.C. s. 300e(c)(2)(A) to the extent, if any, that restrictions are placed on them that are not imposed on other small employer carriers.

3. Before *September* ~~March~~ 1 of each year, the board shall determine and file with the department an estimate of the assessments needed to fund the losses incurred by the program in the previous calendar year.

4. If the board determines that the assessments needed to fund the losses incurred by the program in the previous calendar year will exceed the amount specified in subparagraph 2., the board shall evaluate the operation of the program and report its findings, including any recommendations for changes to the plan of operation, to the department within *240* ~~90~~ days following the end of the calendar year in which the losses were incurred. The evaluation shall include an estimate of future assessments, the administrative costs of the program, the appropriateness of the premiums charged and the level of carrier retention under the program, and the costs of coverage for small employers. If the board fails to file a report with the department within *240* ~~90~~ days following the end of the applicable calendar year, the department may evaluate the operations of the program and implement such amendments to the plan of operation the department deems necessary to reduce future losses and assessments.

5. If assessments exceed the amount of the actual losses and administrative expenses of the program, the excess shall be held as interest and used by the board to offset future losses or to reduce program premiums. As used in this paragraph, the term "future losses" includes reserves for incurred but not reported claims.

6. Each carrier's proportion of the assessment shall be determined annually by the board, based on annual statements and other reports considered necessary by the board and filed by the carriers with the board.

7. Provision shall be made in the plan of operation for the imposition of an interest penalty for late payment of an assessment.

8. A carrier may seek, from the commissioner, a deferment, in whole or in part, from any assessment made by the board. The department may defer, in whole or in part, the assessment of a carrier if, in the opinion of the department, the payment of the assessment would place the carrier in a financially impaired condition. If an assessment against a carrier is deferred, in whole or in part, the amount by which the assessment is deferred may be assessed against the other carriers in a manner consistent with the basis for assessment set forth in this section. The carrier receiving such deferment remains liable to the program for the amount deferred and is prohibited from reinsuring any individuals or groups in the program if it fails to pay assessments.

(12) STANDARD, BASIC, AND *FLEXIBLE* ~~LIMITED~~ HEALTH BENEFIT PLANS.—

(a)1. By May 15, 1993, the commissioner shall appoint a health benefit plan committee composed of four representatives of carriers which

shall include at least two representatives of HMOs, at least one of which is a staff model HMO, two representatives of agents, four representatives of small employers, and one employee of a small employer. The carrier members shall be selected from a list of individuals recommended by the board. The commissioner may require the board to submit additional recommendations of individuals for appointment.

2. The plans shall comply with all of the requirements of this subsection.

3. The plans must be filed with and approved by the department prior to issuance or delivery by any small employer carrier.

4. *Before October 1, 2002, and in every 4th year thereafter, the commissioner shall appoint a new health benefit plan committee in the manner provided in subparagraph 1. to determine whether modifications to a plan might be appropriate and to submit recommended modifications to the department for approval. Such a determination must be based upon prevailing industry standards regarding managed care and cost-containment provisions and is to serve the purpose of ensuring that the benefit plans offered to small employers on a guaranteed-issue basis are consistent with the low-priced to mid-priced benefit plans offered in the large-group market. Each new health benefit plan committee shall evaluate the implementation of this act and its impact on the entities that provide the plans, the number of enrollees, the participants covered by the plans and their access to care, the scope of health care coverage offered under the plans, the difference in premiums between these plans and standard or basic plans, and an assessment of the plans. This determination shall be included in a report submitted to the President of the Senate and the Speaker of the House of Representatives annually by October 1.* ~~After approval of the revised health benefit plans, if the department determines that modifications to a plan might be appropriate, the commissioner shall appoint a new health benefit plan committee in the manner provided in subparagraph 1. to submit recommended modifications to the department for approval.~~

(b)1. Each small employer carrier issuing new health benefit plans shall offer to any small employer, upon request, a standard health benefit plan and a basic health benefit plan that meets the criteria set forth in this section.

2. For purposes of this subsection, the terms "standard health benefit plan" and "basic health benefit plan" mean policies or contracts that a small employer carrier offers to eligible small employers that contain:

a. An exclusion for services that are not medically necessary or that are not covered preventive health services; and

b. A procedure for preauthorization by the small employer carrier, or its designees.

3. A small employer carrier may include the following managed care provisions in the policy or contract to control costs:

a. A preferred provider arrangement or exclusive provider organization or any combination thereof, in which a small employer carrier enters into a written agreement with the provider to provide services at specified levels of reimbursement or to provide reimbursement to specified providers. Any such written agreement between a provider and a small employer carrier must contain a provision under which the parties agree that the insured individual or covered member has no obligation to make payment for any medical service rendered by the provider which is determined not to be medically necessary. A carrier may use preferred provider arrangements or exclusive provider arrangements to the same extent as allowed in group products that are not issued to small employers.

b. A procedure for utilization review by the small employer carrier or its designees.

This subparagraph does not prohibit a small employer carrier from including in its policy or contract additional managed care and cost containment provisions, subject to the approval of the department, which have potential for controlling costs in a manner that does not result in inequitable treatment of insureds or subscribers. The carrier may use such provisions to the same extent as authorized for group products that are not issued to small employers.

4. The standard health benefit plan *and any flexible benefit policy or contract* shall include:

a. Coverage for inpatient hospitalization;

b. Coverage for outpatient services;

c. Coverage for newborn children pursuant to s. 627.6575;

d. Coverage for child care supervision services pursuant to s. 627.6579;

e. Coverage for adopted children upon placement in the residence pursuant to s. 627.6578;

f. Coverage for mammograms pursuant to s. 627.6613;

g. Coverage for handicapped children pursuant to s. 627.6615;

h. Emergency or urgent care out of the geographic service area; and

i. Coverage for services provided by a hospice licensed under s. 400.602 in cases where such coverage would be the most appropriate and the most cost-effective method for treating a covered illness.

5. The standard health benefit plan and the basic health benefit plan may include a schedule of benefit limitations for specified services and procedures. If the committee develops such a schedule of benefits limitation for the standard health benefit plan or the basic health benefit plan, a small employer carrier offering the plan must offer the employer an option for increasing the benefit schedule amounts by 4 percent annually.

6. The basic health benefit plan shall include all of the benefits specified in subparagraph 4.; however, the basic health benefit plan shall place additional restrictions on the benefits and utilization and may also impose additional cost containment measures.

7. Sections 627.419(2), (3), and (4), 627.6574, 627.6612, 627.66121, 627.66122, 627.6616, 627.6618, 627.668, ~~and~~ 627.66911*, 627.4239, 627.65755, 627.6691, 627.4232, 627.42395, 627.65745, 627.667, 627.6617, 627.669, 641.51(8), 627.6472(18), 627.662, 641.19(13)(e), 627.6471, 627.6472, 627.6045, 627.607, 641.31(27), 641.51(11), 627.6577, 627.6699(12)(b)(7), 627.6472(16), 627.662, 641.31(21), 627.6419, 627.6045, 627.667, 641.3111, 627.6617, 641.513(3), 641.32(12) and 627.6619* apply to the standard health benefit plan*, to any flexible benefit policy or contract,* and to the basic health benefit plan. However, notwithstanding said provisions, the plans may specify limits on the number of authorized treatments, if such limits are reasonable and do not discriminate against any type of provider.

8. Each small employer carrier that provides for inpatient and outpatient services by allopathic hospitals may provide as an option of the insured similar inpatient and outpatient services by hospitals accredited by the American Osteopathic Association when such services are available and the osteopathic hospital agrees to provide the service.

(c) If a small employer rejects, in writing, the standard health benefit plan and the basic health benefit plan, the small employer carrier may offer the small employer a *flexible* ~~limited~~ benefit policy or contract.

(d)1. Upon offering coverage under a standard health benefit plan, a basic health benefit plan, or a *flexible* ~~limited~~ benefit policy or contract for any small employer, the small employer carrier shall *disclose in writing to the* ~~provide such~~ employer ~~group with a written statement that contains, at a minimum~~:

~~a. An explanation of those mandated benefits and providers that are not covered by the policy or contract;~~

a.~~b.~~ An *outline of coverage together* ~~explanation of the managed care and cost control features of the policy or contract, along~~ with all appropriate mailing addresses and telephone numbers to be used by insureds in seeking information or authorization.~~; and~~

b.~~c.~~ ~~An explanation of~~ The primary and preventive care features of the policy or contract.

~~Such disclosure statement must be presented in a clear and understandable form and format and must be separate from the policy or certificate or evidence of coverage provided to the employer group.~~

~~2. Before a small employer carrier issues a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, it must obtain from the prospective policyholder a signed written statement in which the prospective policyholder:~~

~~a. Certifies as to eligibility for coverage under the standard health benefit plan, basic health benefit plan, or limited benefit policy or contract;~~

c.~~b.~~ ~~Acknowledges~~ The limited nature of the coverage and ~~an understanding of~~ the ~~managed care and~~ cost control features of the policy or contract.~~;~~

~~c. Acknowledges that if misrepresentations are made regarding eligibility for coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, the person making such misrepresentations forfeits coverage provided by the policy or contract; and~~

2.~~d.~~ If a *flexible benefit policy or contract* ~~limited plan~~ is requested, *the prospective policyholder must acknowledge in writing* ~~acknowledges~~ that *he or she* ~~the prospective policyholder~~ had been offered, at the time of application for the insurance policy or contract, the opportunity to purchase any health benefit plan offered by the carrier and that the prospective policyholder had rejected that coverage.

~~A copy of such written statement shall be provided to the prospective policyholder no later than at the time of delivery of the policy or contract, and the original of such written statement shall be retained in the files of the small employer carrier for the period of time that the policy or contract remains in effect or for 5 years, whichever period is longer.~~

~~3. Any material statement made by an applicant for coverage under a health benefit plan which falsely certifies as to the applicant's eligibility for coverage serves as the basis for terminating coverage under the policy or contract.~~

3.~~4.~~ Each marketing communication that is intended to be used in the marketing of a health benefit plan in this state must be submitted for review by the department prior to use and must contain the disclosures stated in this subsection.

4. The contract, policy, and certificates evidencing coverage under a flexible benefit policy or contract and the application for coverage under such plans must state in not less than 12-point bold type on the first page in contrasting color the following: "The benefits provided by this health plan are limited and may not cover all of your medical needs. You should carefully review the benefits offered under this health plan."

(e) A small employer carrier may not use any policy, contract, form, or rate under this section, including applications, enrollment forms, policies, contracts, certificates, evidences of coverage, riders, amendments, endorsements, and disclosure forms, until the *carrier* ~~insurer~~ has filed it with the department and the department has approved it under ss. 627.410*,* ~~and~~ 627.411*, and 641.31* and this section.

(f) A flexible benefit policy or contract must have an annual maximum benefit of $50,000 or greater and a lifetime benefit of $500,000 or greater and such benefit shall be disclosed in 12-point bold type in contrasting color.

(15) APPLICABILITY OF OTHER STATE LAWS.—

(a) Except as expressly provided in this section, a law requiring coverage for a specific health care service or benefit, or a law requiring reimbursement, utilization, or consideration of a specific category of licensed health care practitioner, does not apply to a standard or basic health benefit plan policy or contract or a *flexible* ~~limited~~ benefit policy or contract offered or delivered to a small employer unless that law is made expressly applicable to such policies or contracts. *A law restricting or limiting deductibles, coinsurance, copayments, or annual or lifetime maximum payments does not apply to any health plan policy, including a standard or basic health benefit plan policy or contract or a flexible benefit policy or contract, offered or delivered to a small employer unless such law is made expressly applicable to such policy or contract. When any flexible benefit health insurance policy or flexible benefit contract provides for the payment for medical expense benefits or procedures, such policy or contract shall be construed to include payment to a licensed physician or licensed dentist who provides the medical service benefits or procedures which are within the scope of a licensed physician's license or licensed dentist's license. Any limitation or condition placed upon payment to, or upon services, diagnosis, or treatment by, any licensed physician shall or licensed dentist apply equally to all licensed physicians without unfair discrimination to the usual and customary treatment procedures of any class of physicians or licensed dentist.*

(b) Except as provided in this section, a standard or basic health benefit plan policy or contract or *flexible* ~~limited~~ benefit policy or contract offered to a small employer is not subject to any provision of this code which:

1. Inhibits a small employer carrier from contracting with providers or groups of providers with respect to health care services or benefits;

2. Imposes any restriction on a small employer carrier's ability to negotiate with providers regarding the level or method of reimbursing care or services provided under a health benefit plan; or

3. Requires a small employer carrier to either include a specific provider or class of providers when contracting for health care services or benefits or to exclude any class of providers that is generally authorized by statute to provide such care.

(c) Any second tier assessment paid by a carrier pursuant to paragraph (11)(j) may be credited against assessments levied against the carrier pursuant to s. 627.6494.

(d) Notwithstanding chapter 641, a health maintenance organization is authorized to issue contracts providing benefits *to a small employer* equal to the standard health benefit plan, the basic health benefit plan, and the *flexible* ~~limited~~ benefit policy authorized by this section. *Flexible benefit plans offered by health maintenance organizations shall contain all group provisions required under chapter 641.*

Section 15. Section 627.911, Florida Statutes, is amended to read:

627.911 Scope of this part.—Any insurer *or health maintenance organization* transacting insurance in this state shall report information as required by this part.

Section 16. Section 627.9175, Florida Statutes, is amended to read:

627.9175 Reports of information on health insurance.—

(1) Each *authorized* health insurer shall submit annually to the department *information concerning health insurance coverage being issued or currently in force in this state. The information must include information related to premium, number of policies, and covered lives for such policies and other information necessary for analyzing trends in enrollment, premiums, and claim costs.* ~~as to policies of individual health insurance:~~

(a) *The required information must be broken down by market segment, to include:*

1. Health insurance issuer company contact information.

2. Information on all health insurance products issued or in force. Such information must include:

a. Direct premiums earned.

b. Direct losses incurred.

c. Direct premiums earned for new business issued during the year.

d. Number of policies.

e. Number of certificates.

f. Number of total covered lives.

~~A summary of typical benefits, exclusions, and limitations for each type of individual policy form currently being issued in the state. The summary shall include, as appropriate:~~

~~1. The deductible amount;~~

~~2. The coinsurance percentage;~~

~~3. The out-of-pocket maximum;~~

~~4. Outpatient benefits;~~

~~5. Inpatient benefits; and~~

~~6. Any exclusions for preexisting conditions.~~

~~The department shall determine other appropriate benefits, exclusions, and limitations to be reported for inclusion in the consumer's guide published pursuant to this section.~~

(b) *The department may adopt rules to administer this section, including, but not limited to, rules governing compliance and provisions implementing electronic methodologies for use in furnishing such records or documents.* ~~A schedule of rates for each type of individual policy form reflecting typical variations by age, sex, region of the state, or any other applicable factor which is in use and is determined to be appropriate for inclusion by the department.~~

The department *may* ~~shall~~ provide by rule a uniform format for the submission of this information in order to allow for meaningful comparisons ~~of premiums charged for comparable benefits. The department shall publish annually a consumer's guide which summarizes and compares the information required to be reported under this subsection~~.

(2)~~(a)~~ *The department shall publish annually a consumer's guide* ~~Every insurer transacting health insurance in this state shall report annually to the department, not later than April 1, information relating to any measure the insurer has implemented or proposes to implement during the next calendar year for the purpose of containing health insurance costs or cost increases. The reports shall identify each measure and the forms to which the measure is applied, shall provide an explanation as to how the measure is used, and shall provide an estimate of the cost effect of the measure.~~

~~(b) The department shall promulgate forms to be used by insurers in reporting information pursuant to this subsection and shall utilize such forms to analyze the effects of health care cost containment programs used by health insurers in this state.~~

~~(c) The department shall analyze the data reported under this subsection and shall annually make available to the public a summary of its findings as to the types of cost containment measures reported and the estimated effect of these measures.~~

Section 17. Section 627.9403, Florida Statutes, is amended to read:

627.9403 Scope.—The provisions of this part shall apply to long-term care insurance policies delivered or issued for delivery in this state, and to policies delivered or issued for delivery outside this state to the extent provided in s. 627.9406, by an insurer, a fraternal benefit society as defined in s. 632.601, a health maintenance organization as defined in s. 641.19, a prepaid health clinic as defined in s. 641.402, or a multiple-employer welfare arrangement as defined in s. 624.437. A policy which is advertised, marketed, or offered as a long-term care policy and as a Medicare supplement policy shall meet the requirements of this part and the requirements of ss. 627.671-627.675 and, to the extent of a conflict, be subject to the requirement that is more favorable to the policyholder or certificateholder. The provisions of this part shall not apply to a continuing care contract issued pursuant to chapter 651 and shall not apply to guaranteed renewable policies issued prior to October 1, 1988. Any limited benefit policy that limits coverage to care in a nursing home or to one or more lower levels of care required or authorized to be provided by this part or by department rule must meet all requirements of this part that apply to long-term care insurance policies, except ss. 627.9407(3)(c) *and (d)*, (9), (10)(f), and (12) and 627.94073(2). ~~If the limited benefit policy does not provide coverage for care in a nursing home, but does provide coverage for one or more lower levels of care, the policy shall also be exempt from the requirements of s. 627.9407(3)(d).~~

Section 18. Section 627.9408, Florida Statutes, is amended to read:

627.9408 Rules.—

(1) The department *may* ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to *administer* ~~implement the provisions of~~ this part.

(2) The department may adopt by rule the provisions of the Long-Term Care Insurance Model Regulation adopted by the National Association of Insurance Commissioners in the second quarter of the year 2000 which are not in conflict with the Florida Insurance Code.

Section 19. Paragraph (e) of subsection (1) of section 641.185, Florida Statutes, is amended to read:

641.185 Health maintenance organization subscriber protections.—

(1) With respect to the provisions of this part and part III, the principles expressed in the following statements shall serve as standards to be followed by the Department of Insurance and the Agency for Health Care Administration in exercising their powers and duties, in exercising administrative discretion, in administrative interpretations of the law, in enforcing its provisions, and in adopting rules:

(e) A health maintenance organization subscriber should receive timely, concise information regarding the health maintenance organization's reimbursement to providers and services pursuant to ss. 641.31 and 641.31015 *and should receive prompt payment from the organization pursuant to s. 641.3155.*

Section 20. Subsection (4) is added to section 641.234, Florida Statutes, to read:

641.234 Administrative, provider, and management contracts.—

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

(b) As used in this subsection, the term:

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

2. "Entity" means a person licensed as an administrator under s. 626.88 and does not include any provider or group practice, as defined in s. 456.053, providing services under the scope of the license of the provider or the members of the group practice.

Section 21. Subsection (1) of section 641.30, Florida Statutes, is amended to read:

641.30 Construction and relationship to other laws.—

(1) Every health maintenance organization shall accept the ~~standard health~~ claim form prescribed pursuant to *s. 641.3155* ~~s. 627.647~~.

Section 22. Paragraphs (b) and (d) of subsection (3) of section 641.31, Florida Statutes, are amended, and paragraph (f) is added to that subsection, to read:

641.31 Health maintenance contracts.—

(3)

(b) Any change in the rate is subject to paragraph (d) and requires at least 30 days' advance written notice to the subscriber. In the case of a group member, there may be a contractual agreement with the health maintenance organization to have the employer provide the required notice to the individual members of the group. *This paragraph does not apply to a group contract covering 51 or more persons unless the rate is for any coverage under which the increase in claim costs over the lifetime*

of the contract due to advancing age or duration is prefunded in the premium.

(d) Any change in rates charged for the contract must be filed with the department not less than 30 days in advance of the effective date. At the expiration of such 30 days, the rate filing shall be deemed approved unless prior to such time the filing has been affirmatively approved or disapproved by ~~order of~~ the department *pursuant to s. 627.411*. The approval of the filing by the department constitutes a waiver of any unexpired portion of such waiting period. The department may extend by not more than an additional 15 days the period within which it may so affirmatively approve or disapprove any such filing, by giving notice of such extension before expiration of the initial 30-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such filing shall be deemed approved.

(f) A health maintenance organization that has fewer than 1,000 covered subscribers under all individual or group contracts at the time of a rate filing may file for an annual rate increase limited to annual medical trend, as adopted by the department. The filing is in lieu of the actuarial memorandum otherwise required for the rate filing. The filing must include forms adopted by the department and a certification by an officer of the company that the filing includes all similar forms.

Section 23. Subsections (1) and (3) of section 641.3111, Florida Statutes, are amended to read:

641.3111 Extension of benefits.—

(1) Every group health maintenance contract shall provide that termination of the contract shall be without prejudice to any continuous loss which commenced while the contract was in force, but any extension of benefits beyond the period the contract was in force may be predicated upon the continuous total disability of the subscriber ~~and may be limited to payment for the treatment of a specific accident or illness incurred while the subscriber was a member~~. *The extension is required regardless of whether the group contract holder or other entity secures replacement coverage from a new insurer or health maintenance organization or foregoes the provision of coverage. The required provision must provide for continuation of contract benefits in connection with the treatment of a specific accident or illness incurred while the contract was in effect.* Such extension of benefits may be limited to the occurrence of the earliest of the following events:

(a) The expiration of 12 months.

(b) Such time as the member is no longer totally disabled.

(c) A succeeding carrier elects to provide replacement coverage without limitation as to the disability condition.

(d) The maximum benefits payable under the contract have been paid.

(3) In the case of maternity coverage, ~~when not covered by the succeeding carrier,~~ a reasonable extension of benefits or accrued liability provision is required, which provision provides for continuation of the contract benefits in connection with maternity expenses for a pregnancy that commenced while the policy was in effect. The extension shall be for the period of that pregnancy and shall not be based upon total disability.

Section 24. Subsection (4) of section 641.3154, Florida Statutes, is amended to read:

641.3154 Organization liability; provider billing prohibited.—

(4) A provider or any representative of a provider, regardless of whether the provider is under contract with the health maintenance organization, may not collect or attempt to collect money from, maintain any action at law against, or report to a credit agency a subscriber of an organization for payment of services for which the organization is liable, if the provider in good faith knows or should know that the organization is liable. This prohibition applies during the pendency of any claim for payment made by the provider to the organization for payment of the services and any legal proceedings or dispute resolution process to determine whether the organization is liable for the services if the provider is informed that such proceedings are taking place. It is presumed that a provider does not know and should not know that an organization is liable unless:

(a) The provider is informed by the organization that it accepts liability;

(b) A court of competent jurisdiction determines that the organization is liable; ~~or~~

(c) The department or agency makes a final determination that the organization is required to pay for such services subsequent to a recommendation made by the Statewide Provider and Subscriber Assistance Panel pursuant to s. 408.7056*; or*

(d) The agency issues a final order that the organization is required to pay for such services subsequent to a recommendation made by a resolution organization pursuant to s. 408.7057.

Section 25. Section 641.3155, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 641.3155, F.S., for present text.)

641.3155 Prompt payment of claims.—

(1) As used in this section, the term "claim" for a noninstitutional provider means a paper or electronic billing instrument submitted to the health maintenance organization's designated location that consists of the HCFA 1500 data set, or its successor, that has all mandatory entries for a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, or chapter 490 or any appropriate billing instrument that has all mandatory entries for any other noninstitutional provider. For institutional providers, "claim" means a paper or electronic billing instrument submitted to the health maintenance organization's designated location that consists of the UB-92 data set or its successor, with entries stated as mandatory by the National Uniform Billing Committee.

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

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

(b) Must be mailed or electronically transferred to an organization within 6 months after completion of the service and the provider is furnished with the correct name and address of the patient's health insurer. If a provider's claim is submitted electronically, it is considered made on the date it is electronically transferred.

(c) Must not duplicate a claim previously submitted unless it is determined that the original claim was not received or is otherwise lost.

(3) For all electronically submitted claims, a health maintenance organization shall:

(a) Within 24 hours after the beginning of the next business day after receipt of the claim, provide electronic acknowledgment of the receipt of the claim to the electronic source submitting the claim.

(b) Within 20 days after receipt of the claim, pay the claim or notify a provider or designee if a claim is denied or contested. Notice of the organization's action on the claim and payment of the claim is considered to be made on the date the notice or payment was mailed or electronically transferred.

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

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

3. A health maintenance organization may not make more than one request for documents under this paragraph in connection with a claim,

unless the provider fails to submit all of the requested documents to process the claim or if documents submitted by the provider raise new additional issues not included in the original written itemization, in which case the health maintenance organization may provide the provider with one additional opportunity to submit the additional documents needed to process the claim. In no case may the health maintenance organization request duplicate documents.

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

(e) A claim must be paid or denied within 90 days after receipt of the claim. Failure to pay or deny a claim within 120 days after receipt of the claim creates an uncontestable obligation to pay the claim.

(4) For all nonelectronically submitted claims, a health maintenance organization shall:

(a) Effective November 1, 2003, provide acknowledgement of receipt of the claim within 15 days after receipt of the claim to the provider or designee or provide a provider or designee within 15 days after receipt with electronic access to the status of a submitted claim.

(b) Within 40 days after receipt of the claim, pay the claim or notify a provider or designee if a claim is denied or contested. Notice of the health maintenance organization's action on the claim and payment of the claim is considered to be made on the date the notice or payment was mailed or electronically transferred.

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

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

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

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

(e) A claim must be paid or denied within 120 days after receipt of the claim. Failure to pay or deny a claim within 140 days after receipt of the claim creates an uncontestable obligation to pay the claim.

(5) If a health maintenance organization determines that it has made an overpayment to a provider for services rendered to a subscriber, the health maintenance organization must make a claim for such overpayment to the provider's designated location. A health maintenance organization that makes a claim for overpayment to a provider under this section shall give the provider a written or electronic statement specifying the basis for the retroactive denial or payment adjustment. The health maintenance organization must identify the claim or claims, or overpayment claim portion thereof, for which a claim for overpayment is submitted.

(a) If an overpayment determination is the result of retroactive review or audit of coverage decisions or payment levels not related to fraud, a health maintenance organization shall adhere to the following procedures:

1. All claims for overpayment must be submitted to a provider within 30 months after the health maintenance organization's payment of the claim. A provider must pay, deny, or contest the health maintenance organization's claim for overpayment within 40 days after the receipt of the claim. All contested claims for overpayment must be paid or denied within 120 days after receipt of the claim. Failure to pay or deny overpayment and claim within 140 days after receipt creates an uncontestable obligation to pay the claim.

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

3. Failure of a health maintenance organization to respond to a provider's contestment of claim or request for additional information regarding the claim within 35 days after receipt of such notice may result in denial of the claim.

4. The health maintenance organization may not reduce payment to the provider for other services unless the provider agrees to the reduction in writing or fails to respond to the health maintenance organization's overpayment claim as required by this paragraph.

5. Payment of an overpayment claim is considered made on the date the payment was mailed or electronically transferred. An overdue payment of a claim bears simple interest at the rate of 12 percent per year. Interest on an overdue payment for a claim for an overpayment payment begins to accrue when the claim should have been paid, denied, or contested.

(b) A claim for overpayment shall not be permitted beyond 30 months after the health maintenance organization's payment of a claim, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234.

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

(7)(a) For all contracts entered into or renewed on or after October 1, 2002, a health maintenance organization's internal dispute resolution process related to a denied claim not under active review by a mediator, arbitrator, or third-party dispute entity must be finalized within 60 days after the receipt of the provider's request for review or appeal.

(b) All claims to a health maintenance organization begun after October 1, 2000, not under active review by a mediator, arbitrator, or third-party dispute entity, shall result in a final decision on the claim by the health maintenance organization by January 2, 2003, for the purpose of the statewide provider and managed care organization claim dispute resolution program pursuant to s. 408.7057.

(8) A provider or any representative of a provider, regardless of whether the provider is under contract with the health maintenance organization, may not collect or attempt to collect money from, maintain any action at law against, or report to a credit agency a subscriber for payment of covered services for which the health maintenance organization contested or denied the provider's claim. This prohibition applies during the pendency of any claim for payment made by the provider to the health maintenance organization for payment of the services or internal dispute resolution process to determine whether the health maintenance organization is liable for the services. For a claim, this pendency applies from the date the claim or a portion of the claim is denied to the

date of the completion of the health maintenance organization's internal dispute resolution process, not to exceed 60 days.

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

(10) A health maintenance organization may not retroactively deny a claim because of subscriber ineligibility more than 1 year after the date of payment of the claim.

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

(12) Upon written notification by a subscriber, a health maintenance organization shall investigate any claim of improper billing by a physician, hospital, or other health care provider. The organization shall determine if the subscriber was properly billed for only those procedures and services that the subscriber actually received. If the organization determines that the subscriber has been improperly billed, the organization shall notify the subscriber and the provider of its findings and shall reduce the amount of payment to the provider by the amount determined to be improperly billed. If a reduction is made due to such notification by the insured, the insurer shall pay to the insured 20 percent of the amount of the reduction up to $500.

(13) A permissible error ratio of 5 percent is established for health maintenance organizations' claims payment violations of s. 641.3155(3)(a), (b), (c), and (e) and (4)(a), (b), (c), and (e). If the error ratio of a particular insurer does not exceed the permissible error ratio of 5 percent for an audit period, no fine shall be assessed for the noted claims violations for the audit period. The error ratio shall be determined by dividing the number of claims with violations found on a statistically valid sample of claims for the audit period by the total number of claims in the sample. If the error ratio exceeds the permissible error ratio of 5 percent, a fine may be assessed according to s. 624.4211 for those claims payment violations which exceed the error ratio. Notwithstanding the provisions of this section, the department may fine a health maintenance organization for claims payment violations of s. 641.3155(3)(e) and (4)(e) which create an uncontestable obligation to pay the claim. The department shall not fine organizations for violations which the department determines were due to circumstances beyond the organization's control.

(14) This section shall apply to all claims or any portion of a claim submitted by a health maintenance organization subscriber under a health maintenance organization subscriber contract to the organization for payment.

(15) Notwithstanding s. 641.3155(3)(b), where an electronic pharmacy claim is submitted to a pharmacy benefits manager acting on behalf of a health maintenance organization the pharmacy benefits manager shall, within 30 days of receipt of the claim, pay the claim or notify a provider or designee if a claim is denied or contested. Notice of the organization's action on the claim and payment of the claim is considered to be made on the date the notice or payment was mailed or electronically transferred.

(16) Notwithstanding s. 641.3155(4)(a), effective November 1, 2003, where a nonelectronic pharmacy claim is submitted to a pharmacy benefits manager acting on behalf of a health maintenance organization the pharmacy benefits manager shall provide acknowledgment of receipt of the claim within 30 days after receipt of the claim to the provider or provide a provider within 30 days after receipt with electronic access to the status of a submitted claim.

Section 26. Subsection (12) of section 641.51, Florida Statutes, is amended to read:

641.51 Quality assurance program; second medical opinion requirement.—

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

Section 27. Except as otherwise provided in this act, this act shall take effect October 1, 2002, and shall apply to claims for services rendered after such date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care providers and insurers; 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. 408.7057, F.S.; redesignating a program title; revising definitions; including preferred provider organizations and health insurers in the claim dispute resolution program; specifying timeframes for submission of supporting documentation necessary for dispute resolution; providing consequences for failure to comply; providing additional responsibilities for the agency relating to patterns of claim disputes; providing timeframes for review by the resolution organization; directing the agency to notify appropriate licensure and certification entities as part of violation of final orders; amending s. 456.053, F.S., the "Patient Self-Referral Act of 1992"; redefining the term "referral" by revising the list of practices that constitute exceptions; amending s. 626.88, F.S.; redefining the term "administrator," with respect to regulation of insurance administrators; amending s. 627.410, F.S.; 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; creating s. 627.6131, F.S.; specifying payment of claims provisions applicable to certain health insurers; providing a definition; providing requirements and procedures for paying, denying, or contesting claims; providing criteria and limitations; requiring payment within specified periods; specifying rate of interest charged on overdue payments; providing for electronic and nonelectronic transmission of claims; providing procedures for overpayment recovery; specifying timeframes for adjudication of claims, internally and externally; prohibiting action to collect payment from an insured under certain circumstances; providing applicability; prohibiting contractual modification of provisions of law; specifying circumstances for retroactive claim denial; specifying claim payment requirements; providing for billing review procedures; specifying claim content requirements; establishing a permissible error ratio, specifying its applicability, and providing for fines; providing specified exceptions from notice and acknowledgment requirements for pharmacy benefit manager claims; amending s. 627.6425, F.S., relating to renewability of individual coverage; providing for circumstances relating to nonrenewal or discontinuance of coverage; amending s. 627.6475, F.S.; revising criteria for reinsuring individuals under an individual health reinsurance program; amending s. 627.651, F.S.; correcting a cross-reference, to conform; amending s. 627.662, F.S.; specifying application of certain additional provisions to group, blanket, and franchise health insurance; 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 certain disclosure requirements; providing

additional notice requirements; 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. 641.185, F.S.; specifying that health maintenance organization subscribers should receive prompt payment from the organization; amending s. 641.234, F.S.; specifying responsibility of a health maintenance organization for certain violations under certain circumstances; amending s. 641.30, F.S.; conforming a cross-reference; 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; amending s. 641.3154, F.S.; modifying the circumstances under which a provider knows that an organization is liable for service reimbursement; amending s. 641.3155, F.S.; revising payment of claims provisions applicable to certain health maintenance organizations; providing a definition; providing requirements and procedures for paying, denying, or contesting claims; providing criteria and limitations; requiring payment within specified periods; revising rate of interest charged on overdue payments; providing for electronic and nonelectronic transmission of claims; providing procedures for overpayment recovery; specifying timeframes for adjudication of claims, internally and externally; prohibiting action to collect payment from a subscriber under certain circumstances; prohibiting contractual modification of provisions of law; specifying circumstances for retroactive claim denial; specifying claim payment requirements; providing for billing review procedures; specifying claim content requirements; establishing a permissible error ratio, specifying its applicability, and providing for fines; providing specified exceptions from notice and acknowledgment requirements for pharmacy benefit manager claims; amending s. 641.51, F.S.; revising provisions governing examinations by ophthalmologists; providing effective dates.

Senator Latvala moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (622592)—On page 21, lines 19-21, delete those lines and insert: *the patient's health insurer. Submission of a provider's claim is considered made on the date it is electronically transferred or mailed.*

Amendment 1B (861216)—On page 70, lines 26-28, delete those lines and insert: *address of the patient's health insurer. Submission of a provider's claim is considered made on the date it is electronically transferred or mailed.*

Amendment 1C (943514)—On page 70, delete line 10 and insert: *460, chapter 461, or chapter 463, or a psychologist licensed under chapter 490 or any*

Senator Campbell moved the following amendment to **Amendment 1**:

Amendment 1D (753518)(with title amendment)—On page 79, between lines 14 and 15, insert:

Section 27. Section 381.0435, Florida Statutes, is created to read:

381.0435 Treatment for survivors of rape.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the victimization of women through rape is compounded by the possibility that the rape survivor may suffer an unwanted pregnancy by the rapist. The Legislature further finds that access to pregnancy prevention prophylaxis and timely counseling are simple, basic measures that can prevent this additional victimization. The federal Food and Drug Administration has approved the use of pregnancy prevention prophylaxis as safe and effective in the prevention of pregnancy. Further, medical research strongly indicates that the sooner pregnancy prevention prophylaxis is administered, the better the chance of preventing unintended pregnancy. Therefore, the Legislature deems it essential that rape survivors be informed of pregnancy prevention prophylaxis and have access to pregnancy prevention prophylaxis as a treatment option.

(2) DEFINITIONS.—As used in this section, the following words have the meanings indicated:

(a) "Care to a rape survivor" means medical examinations, procedures, and services provided to a rape survivor.

(b) "Incest" means a sexual offense described in s. 826.04.

(c) "Pregnancy prevention prophylaxis" means any drug or device approved by the federal Food and Drug Administration that prevents pregnancy after sexual intercourse.

(d) "Rape" means sexual battery as described in ss. 794.011 and 827.071.

(e) "Rape survivor" means a person who alleges or is alleged to have been raped or is the victim of alleged incest and because of the alleged offense seeks treatment as a patient.

(3) DUTIES OF LICENSED FACILITIES AND PRACTITIONERS.—Beginning October 1, 2002, a health care facility licensed under chapter 395 and any health care practitioner licensed pursuant to chapter 458, chapter 459, or chapter 464, that provides care to a rape survivor, shall:

(a) Provide each rape survivor with medically and factually accurate, clear, concise information about pregnancy prevention prophylaxis.

(b) Inform each rape survivor of such person's medical option to receive pregnancy prevention prophylaxis.

(c) If pregnancy prevention prophylaxis is requested:

1. Immediately prescribe or provide the rape survivor with pregnancy prevention prophylaxis, if it is determined by the physician to be medically appropriate; or

2. Inform the rape survivor of a health care facility or health care practitioner that will prescribe or provide access to pregnancy prevention prophylaxis, if it is determined by the physician to be medically appropriate for the rape survivor. Such provision of information shall be documented in the patient's medical record.

However, if the rape survivor is transferred to or receives care from a sexual assault program or specialized team that provides rape counseling and treatment services, or if the rape survivor is pregnant, the licensed facility or practitioner described in this subsection shall be relieved of the duties specified in this section.

(4) EXEMPTION.—Nothing in this section requires a licensed facility or healthcare practitioner who has complied with s. 381.0047(1) or (3)(a)-(b) to offer treatments or make referrals when such action violates institutional or individual ethical, moral, or religious beliefs or principles. Refusal on such grounds does not form the basis for any disciplinary or recriminatory action against such facility or person.

(5) Every health care facility licensed under chapter 395 and any health care practitioner licensed pursuant to chapter 458, chapter 459, or chapter 464 that refuses to provide care to a rape survivor under this section shall provide written notice to the victim that the health care facility or health care practitioner refuses to provide treatment for religious reasons.

And the title is amended as follows:

On page 85, line 26, after the semicolon (;) insert: creating s. 381.0435, F.S.; providing legislative intent; providing definitions; providing requirements for treatment for survivors of rape; providing for counseling and for information about pregnancy prevention prophylaxis; providing for immediate access to medically appropriate pregnancy prevention prophylaxis, if requested; providing applicability; providing for refusal to provide care;

POINT OF ORDER

Senator Webster raised a point of order that pursuant to Rule 7.1 **Amendment 1D (753518)** was not germane to the bill.

The President referred the point of order to Senator Lee, Chairman of the Committee on Rules and Calendar.

Further consideration of **Amendment 1D (753518)** with pending point of order was deferred.

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

Amendment 1E (690466)(with title amendment)—On page 79, between lines 14 and 15, insert:

Section 27. Subsection (2) of section 627.638, Florida Statutes, is amended to read:

627.638 Direct payment for hospital, medical services.—

(2) Whenever, in any health insurance claim form, an insured specifically authorizes payment of benefits directly to any recognized hospital or physician, the insurer shall make such payment to the designated provider of such services, unless otherwise provided in the insurance contract. *However, if:*

(a) The benefit is determined to be covered under the terms of the policy;

(b) The claim is limited to treatment of mental health or substance abuse, including drug and alcohol abuse; and

(c) The insured authorizes the insurer, in writing, as part of the claim to make direct payment of benefits to a recognized hospital, physician, or other licensed provider,

payments shall be made directly to the recognized hospital, physician, or other licensed provider, notwithstanding any contrary provisions in the insurance contract.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 26, after the semicolon (;) insert: amending s. 627.638, F.S.; revising requirements relating to direct payment of benefits to specified providers under certain circumstances;

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

Amendment 1F (211444)(with title amendment)—On page 79, between lines 14 and 15, insert:

Section 27. Effective July 1, 2002, subsection (12) of section 627.6482, Florida Statutes, is amended, and subsections (15) and (16) are added to that section, to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(12) "Premium" means the entire cost of an insurance plan, including the administrative fee, the risk assumption charge, and, in the instance of a minimum premium plan or stop-loss coverage, the incurred claims whether or not such claims are paid directly by the insurer. ~~"Premium" shall not include a health maintenance organization's annual earned premium revenue for Medicare and Medicaid contracts for any assessment due for calendar years 1990 and 1991. For assessments due for calendar year 1992 and subsequent years,~~ A health maintenance organization's annual earned premium revenue for Medicare and Medicaid contracts is subject to assessments unless the department determines that the health maintenance organization has made a reasonable effort to amend its Medicare or Medicaid government contract ~~for 1992 and subsequent years~~ to provide reimbursement for any assessment on Medicare or Medicaid premiums paid by the health maintenance organization and the contract does not provide for such reimbursement.

(15) "Federal poverty level" means the most current federal poverty guidelines, as established by the federal Department of Health and Human Services and published in the Federal Register, and in effect on the date of the policy and its annual renewal.

(16) "Family income" means the adjusted gross income, as defined in s. 62 of the United States Internal Revenue Code, of all members of a household.

Section 28. Effective July 1, 2002, section 627.6486, Florida Statutes, is amended to read:

627.6486 Eligibility.—

(1) Except as provided in subsection (2), any *person who is a* resident of this state *and has been a resident of this state for the previous 6 months is* ~~shall be~~ eligible for coverage under the plan, including:

(a) The insured's spouse.

(b) Any dependent ~~unmarried~~ child of the insured, from the moment of birth. Subject to the provisions of *ss.* ~~s.~~ 627.6041 *and 627.6562*, such coverage shall terminate at the end of the premium period in which the child ~~marries,~~ ceases to be a dependent of the insured~~, or attains the age of 19, whichever occurs first. However, if the child is a full-time student at an accredited institution of higher learning, the coverage may continue while the child remains unmarried and a full-time student, but not beyond the premium period in which the child reaches age 23~~.

(c) The former spouse of the insured whose coverage would otherwise terminate because of annulment or dissolution of marriage, if the former spouse is dependent upon the insured for financial support. The former spouse shall have continued coverage and shall not be subject to waiting periods because of the change in policyholder status.

(2)(a) The board or administrator shall require verification of residency *for the preceding 6 months* and shall require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy. *A person may demonstrate his or her residency by maintaining his or her residence in this state for the preceding 6 months, purchasing a home that has been occupied by him or her as his or her primary residence for the previous 6 months, or having established a domicile in this state pursuant to s. 222.17 for the preceding 6 months.*

(b) No person who is currently eligible for health care benefits under Florida's Medicaid program is eligible for coverage under the plan unless:

1. He or she has an illness or disease which requires supplies or medication which are covered by the association but are not included in the benefits provided under Florida's Medicaid program in any form or manner; and

2. He or she is not receiving health care benefits or coverage under Florida's Medicaid program.

(c) No person who is covered under the plan and terminates the coverage is again eligible for coverage.

(d) No person on whose behalf the plan has paid out *the lifetime maximum benefit currently being offered by the association of* $500,000 in covered benefits is eligible for coverage under the plan.

(e) The coverage of any person who ceases to meet the eligibility requirements of this section may be terminated immediately. If such person again becomes eligible for subsequent coverage under the plan, any previous claims payments shall be applied towards the $500,000 lifetime maximum benefit and any limitation relating to preexisting

conditions in effect at the time such person again becomes eligible shall apply to such person. ~~However, no such person may again become eligible for coverage after June 30, 1991.~~

(f) No person is eligible for coverage under the plan unless such person has been rejected by two insurers for coverage substantially similar to the plan coverage and no insurer has been found through the market assistance plan pursuant to s. 627.6484 that is willing to accept the application. As used in this paragraph, "rejection" includes an offer of coverage with a material underwriting restriction ~~or an offer of coverage at a rate greater than the association plan rate~~.

(g) No person is eligible for coverage under the plan if such person has, *or is eligible for,* on the date of issue of coverage under the plan, substantially similar coverage under another contract or policy, unless such coverage is provided pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, 100 Stat. 82 (1986) (COBRA), as amended, *or such coverage is provided pursuant to s. 627.6692* and *such coverage is* scheduled to end at a time certain and the person meets all other requirements of eligibility. Coverage provided by the association shall be secondary to any coverage provided by an insurer pursuant to COBRA *or pursuant to s. 627.6692*.

(h) *A person is ineligible for coverage under the plan if such person is currently eligible for health care benefits under the Medicare program, except for a person who is insured by the Florida Comprehensive Health Association and enrolled under Medicare on July 1, 2002.* ~~All eligible persons who are classified as high-risk individuals pursuant to s. 627.6498(4)(a)4. shall, upon application or renewal, agree to be placed in a case management system when it is determined by the board and the plan case manager that such system will be cost-effective and provide quality care to the individual.~~

(i) A person is ineligible for coverage under the plan if such person's premiums are paid for or reimbursed under any government-sponsored program or by any government agency or health care provider.

(j) An eligible individual, as defined in s. 627.6487, and his or her dependents, as described in subsection (1), are automatically eligible for coverage in the association unless the association has ceased accepting new enrollees under s. 627.6488. If the association has ceased accepting new enrollees, the eligible individual is subject to the coverage rights set forth in s. 627.6487.

(3) A person's coverage ceases:

(a) On the date a person is no longer a resident of this state;

(b) On the date a person requests coverage to end;

(c) Upon the date of death of the covered person;

(d) On the date state law requires cancellation of the policy; or

(e) Sixty days after the person receives notice from the association making any inquiry concerning the person's eligibility or place or residence to which the person does not reply.

(4) All eligible persons must, upon application or renewal, agree to be placed in a case-management system when the association and case manager find that such system will be cost-effective and provide quality care to the individual.

(5) Except for persons who are insured by the association on December 31, 2002, and who renew such coverage, persons may apply for coverage beginning January 1, 2003, and coverage for such persons shall begin on or after April 1, 2003, as determined by the board pursuant to s. 627.6488(4)(n).

Section 29. Effective July 1, 2002, subsection (3) of section 627.6487, Florida Statutes, is amended to read:

627.6487 Guaranteed availability of individual health insurance coverage to eligible individuals.—

(3) For the purposes of this section, the term "eligible individual" means an individual:

(a)1. For whom, as of the date on which the individual seeks coverage under this section, the aggregate of the periods of creditable coverage, as defined in s. 627.6561(5) and (6), is 18 or more months; and

2.a. Whose most recent prior creditable coverage was under a group health plan, governmental plan, or church plan, or health insurance coverage offered in connection with any such plan; or

b. Whose most recent prior creditable coverage was under an individual plan issued in this state by a health insurer or health maintenance organization, which coverage is terminated due to the insurer or health maintenance organization becoming insolvent or discontinuing the offering of all individual coverage in the State of Florida, or due to the insured no longer living in the service area in the State of Florida of the insurer or health maintenance organization that provides coverage through a network plan in the State of Florida;

(b) Who is not eligible for coverage under:

1. A group health plan, as defined in s. 2791 of the Public Health Service Act;

2. A conversion policy or contract issued by an authorized insurer or health maintenance organization under s. 627.6675 or s. 641.3921, respectively, offered to an individual who is no longer eligible for coverage under either an insured or self-insured employer plan;

3. Part A or part B of Title XVIII of the Social Security Act; ~~or~~

4. A state plan under Title XIX of such act, or any successor program, and does not have other health insurance coverage; *or*

5. The Florida Comprehensive Health Association, if the association is accepting and issuing coverage to new enrollees, provided that the 63-day period specified in s. 627.6561(6) shall be tolled from the time the association receives an application from an individual until the association notifies the individual that it is not accepting and issuing coverage to that individual;

(c) With respect to whom the most recent coverage within the coverage period described in paragraph (a) was not terminated based on a factor described in s. 627.6571(2)(a) or (b), relating to nonpayment of premiums or fraud, unless such nonpayment of premiums or fraud was due to acts of an employer or person other than the individual;

(d) Who, having been offered the option of continuation coverage under a COBRA continuation provision or under s. 627.6692, elected such coverage; and

(e) Who, if the individual elected such continuation provision, has exhausted such continuation coverage under such provision or program.

Section 30. Effective July 1, 2002, section 627.6488, Florida Statutes, is amended to read:

627.6488 Florida Comprehensive Health Association.—

(1) There is created a nonprofit legal entity to be known as the "Florida Comprehensive Health Association." All insurers, as a condition of doing business, shall be members of the association.

(2)(a) The association shall operate subject to the supervision and approval of a *five-member* ~~three-member~~ board of directors *consisting of the Insurance Commissioner, or his or her designee, who shall serve as chairperson of the board, and four additional members who must be state residents. At least one member must be a representative of an authorized health insurer or health maintenance organization authorized to transact business in this state.* The board of directors shall be appointed by the Insurance Commissioner ~~as follows:~~

~~1. The chair of the board shall be the Insurance Commissioner or his or her designee.~~

~~2. One representative of policyholders who is not associated with the medical profession, a hospital, or an insurer.~~

~~3. One representative of insurers~~.

The administrator or his or her affiliate shall not be a member of the board. Any board member appointed by the commissioner may be removed and replaced by him or her at any time without cause.

(b) All board members, including the chair, shall be appointed to serve for staggered 3-year terms beginning on a date as established in the plan of operation.

(c) The board of directors *may* ~~shall have the power to~~ employ or retain such persons as are necessary to perform the administrative and financial transactions and responsibilities of the association and to perform other necessary and proper functions not prohibited by law. *Employees of the association shall be reimbursed as provided in s. 112.061 from moneys of the association for expenses incurred in carrying out their responsibilities under this act.*

(d) Board members may be reimbursed *as provided in s. 112.061* from moneys of the association for ~~actual and necessary~~ expenses incurred by them as members *in carrying out their responsibilities under the Florida Comprehensive Health Association Act*, but may not otherwise be compensated for their services.

(e) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the departmental representatives for any act or omission taken by them in the performance of their powers and duties under this act, unless such act or omission by such person is in intentional disregard of the rights of the claimant.

(f) Meetings of the board are subject to s. 286.011.

(3) The association shall adopt a plan pursuant to this act and submit its articles, bylaws, and operating rules to the department for approval. If the association fails to adopt such plan and suitable articles, bylaws, and operating rules within 180 days after the appointment of the board, the department shall adopt rules to effectuate the provisions of this act; and such rules shall remain in effect until superseded by a plan and articles, bylaws, and operating rules submitted by the association and approved by the department. *Such plan shall be reviewed, revised as necessary, and annually submitted to the department for approval.*

(4) The association shall:

(a) Establish administrative and accounting procedures *and internal controls* for the operation of the association *and provide for an annual financial audit of the association by an independent certified public accountant licensed pursuant to chapter 473*.

(b) Establish procedures under which applicants and participants in the plan may have grievances reviewed by an impartial body and reported to the board. *Individuals receiving care through the association under contract from a health maintenance organization must follow the grievance procedures established in ss. 408.7056 and 641.31(5).*

(c) Select an administrator in accordance with s. 627.649.

(d) Collect assessments from all insurers to provide for operating losses incurred or estimated to be incurred during the period for which the assessment is made. The level of payments shall be established by the board, as formulated in s. 627.6492(1). Annual assessment of the insurers for each calendar year shall occur as soon thereafter as the operating results of the plan for the calendar year and the earned premiums of insurers being assessed for that year are known. Annual assessments are due and payable within 30 days of receipt of the assessment notice by the insurer.

(e) Require that all policy forms issued by the association conform to standard forms developed by the association. The forms shall be approved by the department.

(f) Develop and implement a program to publicize the existence of the plan, the eligibility requirements for the plan, and the procedures for enrollment in the plan and to maintain public awareness of the plan.

(g) Design and employ cost containment measures and requirements which may include preadmission certification, home health care, hospice care, negotiated purchase of medical and pharmaceutical supplies, and individual case management.

~~(h) Contract with preferred provider organizations and health maintenance organizations giving due consideration to the preferred provider organizations and health maintenance organizations which have contracted with the state group health insurance program pursuant to s. 110.123. If cost-effective and available in the county where the policyholder resides, the board, upon application or renewal of a policy, shall place a high-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. If cost-effective and available in the county where the policyholder resides, the board, with the consent of the policyholder, may place a low-risk or medium-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who may determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent, or guardian.~~

(h)~~(i)~~ Make a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives not later than *March 1* ~~October 1~~ of each year. The report shall summarize the activities of the plan for the *prior fiscal* ~~12-month period ending July 1 of that~~ year, including then-current data and estimates as to net written and earned premiums, the expense of administration, and the paid and incurred losses for the year. The report shall also include analysis and recommendations for legislative changes regarding utilization review, quality assurance, an evaluation of the administrator of the plan, access to cost-effective health care, and cost containment/case management policy ~~and recommendations concerning the opening of enrollment to new entrants as of July 1, 1992~~.

(i)~~(j)~~ Make a report to the Governor, the Insurance Commissioner, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and House of Representatives, not later than 45 days after the close of each calendar quarter, which includes, for the prior quarter, current data and estimates of net written and earned premiums, the expenses of administration, and the paid and incurred losses. The report shall identify any statutorily mandated program that has not been fully implemented by the board.

(j)~~(k)~~ To facilitate preparation of assessments and for other purposes, the board shall *engage an independent certified public account licensed pursuant to chapter 473 to conduct an annual financial audit of the association* ~~direct preparation of annual audited financial statements~~ for each calendar year as soon as feasible following the conclusion of that calendar year, and shall, within 30 days after *the issuance* ~~rendition~~ of such statements, file with the department the annual report containing such information as required by the department to be filed on March 1 of each year.

(k)~~(l)~~ Employ a plan case manager or managers to supervise and manage the medical care or coordinate the supervision and management of the medical care, with the administrator, of specified individuals. The plan case manager, with the approval of the board, shall have final approval over the case management for any specific individual. *If cost-effective and available in the county where the policyholder resides, the association, upon application or renewal of a policy, may place an individual with the plan case manager, who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent or guardian, and the health care providers.*

(l) Administer the association in a fiscally responsible manner that ensures that its expenditures are reasonable in relation to the services provided and that the financial resources of the association are adequate to meet its obligations.

(m) At least annually, but no more than quarterly, evaluate or cause to be evaluated the actuarial soundness of the association. The association shall contract with an actuary to evaluate the pool of insureds in the

association and monitor the financial condition of the association. The actuary shall determine the feasibility of enrolling new members in the association, which must be based on the projected revenues and expenses of the association.

(n) Restrict at any time the number of participants in the association based on a determination by the board that the revenues will be inadequate to fund new participants. However, any person denied participation solely on the basis of such restriction must be granted priority for participation in the succeeding period in which the association is reopened for participants. Effective April 1, 2003, the association may provide coverage for up to 500 persons for the period ending December 31, 2003. On or after January 1, 2004, the association may enroll an additional 1,500 persons. At no time may the association provide coverage for more than 2,000 persons. Except as provided in s. 627.6486(2)(j), applications for enrollment must be processed on a first-in, first-out basis.

(o) Establish procedures to maintain separate accounts and recordkeeping for policyholders prior to January 1, 2003, and policyholders issued coverage on and after January 1, 2003.

(p) Appoint an executive director to serve as the chief administrative and operational officer of the association and operate within the specifications of the plan of operation and perform other duties assigned to him or her by the board.

(5) The association may:

(a) Exercise powers granted to insurers under the laws of this state.

(b) Sue or be sued.

(c) In addition to imposing annual assessments under paragraph (4)(d), levy interim assessments against insurers to ensure the financial ability of the plan to cover claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for a calendar year prior to the association's anticipated receipt of annual assessments for that calendar year. Any interim assessment shall be due and payable within 30 days *after* ~~of~~ receipt by an insurer of an interim assessment notice. Interim assessment payments shall be credited against the insurer's annual assessment. *Such assessments may be levied only for costs and expenses associated with policyholders insured with the association prior to January 1, 2003.*

(d) Prepare or contract for a performance audit of the administrator of the association.

(e) Appear in its own behalf before boards, commissions, or other governmental agencies.

(f) Solicit and accept gifts, grants, loans, and other aid from any source or participate in any way in any government program to carry out the purposes of the Florida Comprehensive Health Association Act.

(g) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into the association on a fraudulent basis.

(h) Procure insurance against any loss in connection with the property, assets, and activities of the association or the board.

(i) Contract for necessary goods and services; employ necessary personnel; and engage the services of private consultants, actuaries, managers, legal counsel, and independent certified public accountants for administrative or technical assistance.

(6) The department shall examine and investigate the association in the manner provided in part II of chapter 624.

Section 31. Effective July 1, 2002, paragraph (b) of subsection (3) of section 627.649, Florida Statutes, is amended to read:

627.649 Administrator.—

(3) The administrator shall:

(b) Pay an agent's referral fee as established by the board to each insurance agent who refers an applicant to the plan, if the applicant's application is accepted. The selling or marketing of plans shall not be limited to the administrator or its agents. *Any agent must be licensed by the department to sell health insurance in this state.* The referral fees shall be paid by the administrator from moneys received as premiums for the plan.

Section 32. Effective July 1, 2002, section 627.6492, Florida Statutes, is amended to read:

627.6492 Participation of insurers.—

(1)(a) As a condition of doing business in this state an insurer shall pay an assessment to the board, in the amount prescribed by this section. *This subsection and subsections (2) and (3) apply only to the costs and expenses associated with policyholders insured with the association prior to January 1, 2003, including renewal of coverage for such policyholders after that date.* For operating losses incurred *in any calendar year* ~~on July 1, 1991, and thereafter~~, each insurer shall annually be assessed by the board in the following calendar year a portion of such incurred operating losses of the plan; such portion shall be determined by multiplying such operating losses by a fraction, the numerator of which equals the insurer's earned premium pertaining to direct writings of health insurance in the state during the calendar year preceding that for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by participating insurers in the state during such calendar year.

(b) ~~For operating losses incurred from July 1, 1991, through December 31, 1991, the total of all assessments upon a participating insurer shall not exceed .375 percent of such insurer's health insurance premiums earned in this state during 1990. For operating losses incurred in 1992 and thereafter,~~ The total of all assessments upon a participating insurer shall not exceed 1 percent of such insurer's health insurance premium earned in this state during the calendar year preceding the year for which the assessments were levied.

~~(c) For operating losses incurred from October 1, 1990, through June 30, 1991, the board shall assess each insurer in the amount and manner prescribed by chapter 90-334, Laws of Florida. The maximum assessment against an insurer, as provided in such act, shall apply separately to the claims incurred in 1990 (October 1 through December 31) and the claims incurred in 1991 (January 1 through June 30). For operating losses incurred on January 1, 1991, through June 30, 1991, the maximum assessment against an insurer shall be one-half of the amount of the maximum assessment specified for such insurer in former s. 627.6492(1)(b), 1990 Supplement, as amended by chapter 90-334, Laws of Florida.~~

(c)~~(d)~~ All rights, title, and interest in the assessment funds collected shall vest in this state. However, all of such funds and interest earned shall be used by the association to pay claims and administrative expenses.

(2) If assessments and other receipts by the association, board, or administrator exceed the actual losses and administrative expenses of the plan, the excess shall be held at interest and used by the board to offset future losses. As used in this subsection, the term "future losses" includes reserves for claims incurred but not reported.

(3) Each insurer's assessment shall be determined annually by the association based on annual statements and other reports deemed necessary by the association and filed with it by the insurer. Any deficit incurred under the plan shall be recouped by assessments against participating insurers by the board in the manner provided in subsection (1); and the insurers may recover the assessment in the normal course of their respective businesses without time limitation.

(4)(a) This subsection applies only to those costs and expenses of the association related to persons whose coverage begins after January 1, 2003. As a condition of doing business in this state, every insurer shall pay an amount determined by the board of up to 25 cents per month for each individual policy or covered group subscriber insured in this state, not including covered dependents, under a health insurance policy, certificate, or other evidence of coverage that is issued for a resident of this state and shall file the information with the association as required pursuant to paragraph (d). Any insurer who neglects, fails, or refuses to collect the

fee shall be liable for and pay the fee. The fee shall not be subject to the provisions of s. 624.509.

(b) For purposes of this subsection, health insurance does not include accident only, specified disease, individual hospital indemnity, credit, dental-only, vision-only, Medicare supplement, long-term care, nursing home care, home health care, community-based care, or disability income insurance; similar supplemental plans provided under a separate policy, certificate, or contract of insurance, which cannot duplicate coverage under an underlying health plan and are specifically designed to fill gaps in the underlying health plan, coinsurance, or deductibles; any policy covering medical-payment coverage or personal injury protection coverage in a motor vehicle policy; coverage issued as a supplement to liability insurance; or workers' compensation insurance. For the purposes of this subsection, the term "insurer" as defined in s. 627.6482(7) also includes administrators licensed pursuant to s. 626.8805, and any insurer defined in s. 627.6482(7) from whom any person providing health insurance to Florida residents procures insurance for itself in the insurer, with respect to all or part of the health insurance risk of the person, or provides administrative services only. This definition of insurer excludes self-insured, employee welfare benefit plans that are not regulated by the Florida Insurance Code pursuant to the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, as amended. However, this definition of insurer includes multiple employer welfare arrangements as provided for in the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, as amended. Each covered group subscriber, without regard to covered dependents of the subscriber, shall be counted only once with respect to any assessment. For that purpose, the board shall allow an insurer as defined by this subsection to exclude from its number of covered group subscribers those who have been counted by any primary insurer providing health insurance coverage pursuant to s. 624.603.

(c) The calculation shall be determined as of December 31 of each year and shall include all policies and covered subscribers, not including covered dependents of the subscribers, insured at any time during the year, calculated for each month of coverage. The payment is payable to the association no later than April 1 of the subsequent year. The first payment shall be forwarded to the association no later than April 1, 2003, covering the period of October 1, 2002, through December 31, 2002.

(d) The payment of such funds shall be submitted to the association accompanied by a form prescribed by the association and adopted in the plan of operation. The form shall identify the number of covered lives for different types of health insurance products and the number of months of coverage.

(e) Beginning October 1, 2002, the fee paid to the association may be charged by the health insurer directly to each policyholder, insured member, or subscriber and is not part of the premium subject to the department's review and approval. Nonpayment of the fee shall be considered nonpayment of premium for purposes of s. 627.6043.

Section 33. Effective July 1, 2002, section 627.6498, Florida Statutes, is amended to read:

627.6498 Minimum benefits coverage; exclusions; premiums; deductibles.—

(1) COVERAGE OFFERED.—

(a) The plan shall offer in *an annually* ~~a semiannually~~ renewable policy the coverage specified in this section for each eligible person. ~~For applications accepted on or after June 7, 1991, but before July 1, 1991, coverage shall be effective on July 1, 1991, and shall be renewable on January 1, 1992, and every 6 months thereafter. Policies in existence on June 7, 1991, shall, upon renewal, be for a term of less than 6 months that terminates and becomes subject to subsequent renewal on the next succeeding January 1 or July 1, whichever is sooner.~~

~~(b) If an eligible person is also eligible for Medicare coverage, the plan shall not pay or reimburse any person for expenses paid by Medicare.~~

~~(c) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply for coverage under the plan. If such coverage is applied for within 60 days after the involuntary termination and if premiums are paid for the entire period of coverage, the effective date of the coverage shall be the date of termination of the previous coverage.~~

(b)~~(d)~~ The plan shall provide that, upon the death or divorce of the individual in whose name the contract was issued, every other person then covered in the contract may elect within 60 days to continue under the same or a different contract.

(c)~~(e)~~ No coverage provided to a person who is eligible for Medicare benefits shall be issued as a Medicare supplement policy as defined in s. 627.672.

(2) BENEFITS.—

(a) *The plan must offer coverage to every eligible person subject to limitations set by the association. The coverage offered must pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4). The lifetime benefits limit for such coverage shall be $500,000. However, policyholders of association policies issued prior to 1993 are entitled to continued coverage at the benefit level established prior to January 1, 2003. Only the premium, deductible, and coinsurance amounts may be modified as determined necessary by the board.* ~~The plan shall offer major medical expense coverage similar to that provided by the state group health insurance program as defined in s. 110.123 except as specified in subsection (3) to every eligible person who is not eligible for Medicare. Major medical expense coverage offered under the plan shall pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4), up to a lifetime limit of $500,000 per covered individual. The maximum limit under this paragraph shall not be altered by the board, and no actuarially equivalent benefit may be substituted by the board.~~

(b) The plan shall provide that any policy issued to a person eligible for Medicare shall be separately rated to reflect differences in experience reasonably expected to occur as a result of Medicare payments.

(3) COVERED EXPENSES.—

(a) The board shall establish the coverage to be issued by the association.

(b) If the coverage is being issued to an eligible individual as defined in s. 627.6487, the individual shall be offered, at the option of the individual, the basic and the standard health benefit plan as established in s. 627.6699. ~~The coverage to be issued by the association shall be patterned after the state group health insurance program as defined in s. 110.123, including its benefits, exclusions, and other limitations, except as otherwise provided in this act. The plan may cover the cost of experimental drugs which have been approved for use by the Food and Drug Administration on an experimental basis if the cost is less than the usual and customary treatment. Such coverage shall only apply to those insureds who are in the case management system upon the approval of the insured, the case manager, and the board.~~

(4) PREMIUMS *AND*~~,~~ DEDUCTIBLES~~, AND COINSURANCE~~.—

~~(a)~~ The plan shall provide for annual deductibles for major medical expense coverage in the amount of $1,000 or any higher amounts proposed by the board and approved by the department, plus the benefits payable under any other type of insurance coverage or workers' compensation. The schedule of premiums and deductibles shall be established by the *board* ~~association~~. ~~With regard to any preferred provider arrangement utilized by the association, the deductibles provided in this paragraph shall be the minimum deductibles applicable to the preferred providers and higher deductibles, as approved by the department, may be applied to providers who are not preferred providers.~~

1. Separate schedules of premium rates based on age may apply for individual risks.

2. Rates are subject to approval by the department *pursuant to ss. 627.410 and 627.411, except as provided by this section. The board shall revise premium schedules annually, beginning January 2003.*

~~3. Standard risk rates for coverages issued by the association shall be established by the department, pursuant to s. 627.6675(3).~~

3.~~4.~~ The board shall *establish three premium schedules based upon an individual's family income:*

a. Schedule A is applicable to an individual whose family income exceeds the allowable amount for determining eligibility under the Medicaid program, up to and including 200 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 150 percent of the standard risk rate.

b. Schedule B is applicable to an individual whose family income exceeds 200 percent but is less than 300 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 250 percent of the standard risk rate.

c. Schedule C is applicable to an individual whose family income is equal to or greater than 300 percent of the Federal Poverty Level. Premiums for a person under this schedule may not exceed 300 percent of the standard risk rate. ~~establish separate premium schedules for low-risk individuals, medium-risk individuals, and high-risk individuals and shall revise premium schedules annually beginning January 1999.~~

4. The standard risk rate shall be determined by the department pursuant to s. 627.6675(3). The rate shall be adjusted for benefit differences. ~~No rate shall exceed 200 percent of the standard risk rate for low-risk individuals, 225 percent of the standard risk rate for medium-risk individuals, or 250 percent of the standard risk rate for high-risk individuals. For the purpose of determining what constitutes a low-risk individual, medium-risk individual, or high-risk individual, the board shall consider the anticipated claims payment for individuals based upon an individual's health condition.~~

~~(b) If the covered costs incurred by the eligible person exceed the deductible for major medical expense coverage selected by the person in a policy year, the plan shall pay in the following manner:~~

~~1. For individuals placed under case management, the plan shall pay 90 percent of the additional covered costs incurred by the person during the policy year for the first $10,000, after which the plan shall pay 100 percent of the covered costs incurred by the person during the policy year.~~

~~2. For individuals utilizing the preferred provider network, the plan shall pay 80 percent of the additional covered costs incurred by the person during the policy year for the first $10,000, after which the plan shall pay 90 percent of covered costs incurred by the person during the policy year.~~

~~3. If the person does not utilize either the case management system or the preferred provider network, the plan shall pay 60 percent of the additional covered costs incurred by the person for the first $10,000, after which the plan shall pay 70 percent of the additional covered costs incurred by the person during the policy year.~~

(5) PREEXISTING CONDITIONS.—An association policy *shall* ~~may~~ contain provisions under which coverage is excluded during a period of 12 months following the effective date of coverage with respect to a given covered individual for any preexisting condition, as long as:

(a) The condition manifested itself within a period of 6 months before the effective date of coverage; or

(b) Medical advice or treatment was recommended or received within a period of 6 months before the effective date of coverage.

This subsection does not apply to an eligible individual as defined in s. 627.6487.

(6) OTHER SOURCES PRIMARY.—

(a) No amounts paid or payable by Medicare or any other governmental program or any other insurance, or self-insurance maintained in lieu of otherwise statutorily required insurance, may be made or recognized as claims under such policy or be recognized as or towards satisfaction of applicable deductibles or out-of-pocket maximums or to reduce the limits of benefits available.

(b) The association has a cause of action against a participant for any benefits paid to the participant which should not have been claimed or recognized as claims because of the provisions of this subsection or because otherwise not covered.

(7) NONENTITLEMENT.—The Florida Comprehensive Health Association Act does not provide an individual with an entitlement to health care services or health insurance. A cause of action does not arise against the state, the board, or the association for failure to make health services or health insurance available under the Florida Comprehensive Health Association Act.

Section 34. *The Legislature finds that the provisions of this act fulfill an important state interest.*

Section 35. *The amendments in this act to section 627.6487, Florida Statutes, shall not take effect unless the Health Care Financing Administration of the U.S. Department of Health and Human Services approves this act as providing an acceptable alternative mechanism, as provided in the Public Health Service Act.*

Section 36. *Effective January 1, 2003, section 627.6484, Florida Statutes, is repealed.*

And the title is amended as follows:

On page 85, line 26, after the semicolon (;) insert: amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual's family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487, F.S., do not take effect unless approved by the U.S. Health Care Financing Administration;

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

Amendment 1G (881114)(with title amendment)—On page 79, between lines 14 and 15, insert:

Section 27. *Sections 27-29 of this act may be cited as the "Jennifer Knight Medicaid Lung Transplant Act."*

Section 28. *Subject to the availability of funds and subject to any limitations or directions provided for in the General Appropriations Act or chapter 216, Florida Statutes, the Agency for Health Care Administration Medicaid program shall pay for medically necessary lung transplant services for Medicaid recipients.*

Section 29. Subsection (1) of section 409.915, Florida Statutes, is amended to read:

409.915 County contributions to Medicaid.—Although the state is responsible for the full portion of the state share of the matching funds required for the Medicaid program, in order to acquire a certain portion of these funds, the state shall charge the counties for certain items of care and service as provided in this section.

(1) Each county shall participate in the following items of care and service:

(a) For both health maintenance members and fee-for-service beneficiaries, payments for inpatient hospitalization in excess of 10 days, but not in excess of 45 days, with the exception of pregnant women and children whose income is in excess of the federal poverty level and who do not participate in the Medicaid medically needy program*, and for adult lung transplant services*.

(b) Payments for nursing home or intermediate facilities care in excess of $170 per month, with the exception of skilled nursing care for children under age 21.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 26, after the semicolon (;) insert: providing a short title; providing coverage for certain organ-transplant services; amending s. 409.915, F.S.; exempting counties from contributions for such services;

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1H (495978)(with title amendment)—On page 85, between lines 14 and 15, insert:

Section 27. *The Office of Legislative Services shall contract for a business case study of the feasibility of outsourcing the administrative, investigative, legal, and prosecutorial functions and other tasks and services that are necessary to carry out the regulatory responsibilities of the Board of Dentistry, employing its own executive director and other staff, and obtaining authority over collections and expenditures of funds paid by professions regulated by the board into the Medical Quality Assurance Trust Fund. This feasibility study must include a business plan and an assessment of the direct and indirect costs associated with outsourcing these functions. The sum of $50,000 is appropriated from the Board of Dentistry account within the Medical Quality Assurance Trust Fund to the Office of Legislative Services for the purpose of contracting for the study. The Office of Legislative Services shall submit the completed study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 26, after the semicolon (;) insert: providing an appropriation for a feasibility study relating to outsourcing specified functions of the Board of Dentistry; requiring submission of the completed study to the Governor and Legislature;

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

Amendment 1I (432032)(with title amendment)—On page 79, between lines 14 and 15, insert:

Section 27. Present subsections (9), (10), (26), and (30) of section 395.002, Florida Statutes, are amended, present subsections (10) through (21) and (22) through (33) are renumbered as subsections (11) through (22) and (24) through (35), respectively, and new subsections (10) and (23) are added to that section, to read:

395.002 Definitions.—As used in this chapter:

(9) "Emergency medical condition" means:

(a) A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain, *psychiatric disturbances, symptoms of substance abuse, or other acute symptoms,* such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

1. Serious jeopardy to patient health, including a pregnant woman or fetus.

2. Serious impairment to bodily functions.

3. Serious dysfunction of any bodily organ or part.

(b) With respect to a pregnant woman:

1. That there is inadequate time to effect safe transfer to another hospital prior to delivery;

2. That a transfer may pose a threat to the health and safety of the patient or fetus; or

3. That there is evidence of the onset and persistence of uterine contractions or rupture of the membranes.

(c) With respect to a person exhibiting acute psychiatric disturbance or substance abuse, or taken into custody and delivered to a hospital under a court ex parte order for examination or placed by an authorized party for involuntary examination in accordance with chapter 394 or chapter 397, that the absence of immediate medical attention could reasonably be expected to result in:

1. Serious jeopardy to the health of a patient; or

2. Serious jeopardy to the health of others.

(10) "Emergency medical services provider" means a provider licensed pursuant to chapter 401.

(11)~~(10)~~ "Emergency services and care" means medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition exists and, if it does, the care, treatment, or surgery by a physician necessary to *stabilize* ~~relieve or eliminate~~ the emergency medical condition, within the service capability of the facility.

(23) "Medically unnecessary procedure" means a surgical or other invasive procedure that no reasonable physician, in light of the patient's history and available diagnostic information, would deem to be indicated in order to treat, cure, or palliate the patient's condition or disease.

(28)~~(26)~~ "Service capability" means *the physical space, equipment, supplies, and services that the hospital provides and the level of care that the medical staff can provide within the training and scope of their professional licenses and hospital privileges* ~~all services offered by the facility where identification of services offered is evidenced by the appearance of the service in a patient's medical record or itemized bill~~.

(32)~~(30)~~ "Stabilized" means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result from the transfer *or discharge* of the patient from a hospital.

And the title is amended as follows:

On page 85, line 26, after the semicolon (;) insert: amending s. 395.002, F.S.; revising definitions relating to emergency services and care provided by hospitals and related facilities;

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

Amendment 1J (801200)(with title amendment)—On page 79, between lines 14 and 15, insert:

Section 27. Paragraph (b) of subsection (14) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(14) PAYMENT OF MEDICAL FEES.—

(b) Fees charged for remedial treatment, care, and attendance may not exceed the applicable fee schedules adopted under this chapter, *except as provided pursuant to a contract entered into between an employer or carrier and a certified health care provider or health care facility for the payment of medical services for covered expenses*.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 26, after the semicolon (;) insert: amending s. 440.13, F.S.; revising provisions relating to payment of fees for remedial treatment;

Senator Posey moved the following amendment to **Amendment 1** which failed:

Amendment 1K (472154)—On page 28, delete line 20 and insert: *provider organization under s. 627.6472 or a group or individual insurance contract that only provides direct payments to dentists for enumerated dental services.*

Senator Wasserman Schultz moved the following amendment to **Amendment 1**:

Amendment 1L (874584)(with title amendment)—On page 79, between lines 14 and 15, insert:

Section 27. Section 381.0435, Florida Statutes, is created to read:

381.0435 Treatment for survivors of rape.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the victimization of women through rape is compounded by the possibility that the rape survivor may suffer an unwanted pregnancy by the rapist. The Legislature further finds that access to pregnancy prevention prophylaxis and timely counseling are simple, basic measures that can prevent this additional victimization. The federal Food and Drug Administration has approved the use of pregnancy prevention prophylaxis as safe and effective in the prevention of pregnancy. Further, medical research strongly indicates that the sooner pregnancy prevention prophylaxis is administered, the better the chance of preventing unintended pregnancy. Therefore, the Legislature deems it essential that rape survivors be informed of pregnancy prevention prophylaxis and have access to pregnancy prevention prophylaxis as a treatment option.

(2) DEFINITIONS.—As used in this section, the following words have the meanings indicated:

(a) "Care to a rape survivor" means medical examinations, procedures, and services provided to a rape survivor.

(b) "Incest" means a sexual offense described in s. 826.04.

(c) "Pregnancy prevention prophylaxis" means any drug or device approved by the federal Food and Drug Administration that prevents pregnancy after sexual intercourse.

(d) "Rape" means sexual battery as described in ss. 794.011 and 827.071.

(e) "Rape survivor" means a person who alleges or is alleged to have been raped or is the victim of alleged incest and because of the alleged offense seeks treatment as a patient.

(3) DUTIES OF LICENSED FACILITIES AND PRACTITIONERS.—Beginning October 1, 2002, a health care facility licensed under chapter 395 and any health care practitioner licensed pursuant to chapter 458, chapter 459, or chapter 464, that provides care to a rape survivor, shall:

(a) Provide each rape survivor with medically and factually accurate, clear, concise information about pregnancy prevention prophylaxis.

(b) Inform each rape survivor of such person's medical option to receive pregnancy prevention prophylaxis.

(c) If pregnancy prevention prophylaxis is requested:

1. Immediately prescribe or provide the rape survivor with pregnancy prevention prophylaxis, if it is determined by the physician to be medically appropriate; or

2. Inform the rape survivor of a health care facility or health care practitioner that will prescribe or provide access to pregnancy prevention prophylaxis, if it is determined by the physician to be medically appropriate for the rape survivor. Such provision of information shall be documented in the patient's medical record.

However, if the rape survivor is transferred to or receives care from a sexual assault program or specialized team that provides rape counseling and treatment services, or if the rape survivor is pregnant, the licensed facility or practitioner described in this subsection shall be relieved of the duties specified in this section.

(4) Notwithstanding any other provision of this section, a health care facility licensed under chapter 395 may refuse to provide care to a rape survivor because the provisions of this section are inconsistent with the religious beliefs of the facility or the health care practitioner, if the facility is one for which each of the following is true:

(a) The inculcation of religious values is the purpose of the entity.

(b) The entity primarily employs persons who share the religious tenets of the entity.

(c) The entity serves primarily persons who share the religious tenets of the entity.

(d) The entity is a nonprofit organization as described in s. 6033(a)(2) i or iii of the Internal Revenue Code of 1986, as amended.

This subsection may not be construed to deny care to a rape survivor.

(5) Every health care facility licensed under chapter 395 and any health care practitioner licensed pursuant to chapter 458, chapter 459, or chapter 464 that refuses to provide care to a rape survivor under this section shall provide written notice to the victim that the health care facility or health care practitioner refuses to provide treatment for religious reasons.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 26, after the semicolon (;) insert: creating s. 381.0435, F.S.; providing legislative intent; providing definitions; providing requirements for treatment for survivors of rape; providing for counseling and for information about pregnancy prevention prophylaxis; providing for immediate access to medically appropriate pregnancy prevention prophylaxis, if requested; providing applicability; providing for refusal to provide care;

POINT OF ORDER

Senator Brown-Waite raised a point of order that pursuant to Rule 7.1 **Amendment 1L (874584)** was not germane to the bill.

The President referred the point of order to Senator Lee, Chairman of the Committee on Rules and Calendar.

Further consideration of **Amendment 1L (874584)** with pending point of order was deferred.

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1M (313250)(with title amendment)—On page 79, between lines 14 and 15, insert:

Section 27. *(1) The Division of Statutory Revision of the Office of Legislative Services shall divide chapter 430, Florida Statutes, as follows:*

(a) Current sections 430.01-430.80, Florida Statutes, shall be designated as part I of chapter 430, Florida Statutes.

(b) Current part III of chapter 400, Florida Statutes, consisting of sections 400.401-400.454, Florida Statutes, shall be transferred, renumbered, and designated as part II of chapter 430, Florida Statutes.

(2) The Division of Statutory Revision is requested to correct and update all cross-references to reflect the changes made by this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 26, after the semicolon (;) insert: directing the Division of Statutory Revision of the Office of Legislative Services to reorganize chapters 400 and 430, F.S., relating to elderly affairs and nursing homes and related facilities;

Senator Brown-Waite moved the following amendment to **Amendment 1** which failed:

Amendment 1N (352588)(with title amendment)—On page 79, between lines 14 and 15, insert:

Section 27. Subsection (20) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(20) Maintain *general and professional* liability insurance coverage that is in force at all times.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of their program.

Section 28. Subsection (9) of section 400.147, Florida Statutes, is amended to read:

400.147 Internal risk management and quality assurance program.—

(9) *By the 10th of each month* each facility subject to this section shall report ~~monthly~~ any *notice received pursuant to s. 400.0233(2) and each initial complaint that was filed with the clerk of the court and served on the facility during the previous month by a resident, family member, guardian, conservator, or personal legal representative* ~~liability claim filed against it~~. The report must include the name of the resident, *the date of birth, the Medicaid identification number for persons eligible for Medicaid,* the date or dates of the incident leading to the claim, if applicable, *the dates of residency,* and the type of injury or violation of rights alleged to have occurred. *Each facility shall also submit a copy of the notices received pursuant to s. 400.0233(2) and complaints filed with the clerk of the court.* This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

Section 29. *(1) For the period beginning June 30, 2001, and ending June 30, 2005, the Agency for Health Care Administration shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives with respect to nursing homes. The first report shall be submitted no later than December 30, 2002, and every 6 months thereafter. The report shall identify:*

(a) Facilities based on their ownership characteristics, size, business structure, for-profit or not-for-profit status, and any other characteristics the agency determines useful in analyzing the varied segments of the nursing home industry;

(b) The number of Notices of Intent to Litigate received by each facility each month;

(c) The number of complaints on behalf of a resident or resident's legal representative which were filed with the clerk of the court each month;

(d) The month in which the injury that is the basis for the suit occurred or was discovered or, if unavailable, the dates of residency of the resident involved, beginning with the date of initial admission and the latest discharge date; and

(e) Information regarding deficiencies cited, including information used to develop the Nursing Home Guide pursuant to section 400.191, Florida Statutes, and applicable rules; a summary of data generated on nursing homes by the Centers for Medicare and Medicaid Services Nursing Home Quality Information Project; and information collected pursuant to section 400.147(9), Florida Statutes, relating to litigation.

(2) Facilities subject to this part must submit the information necessary to compile this report each month on existing forms, as modified, and provided by the agency.

(3) The agency shall delineate the available information on a monthly basis.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 26, after the semicolon (;) insert: amending s. 400.141, F.S.; revising requirements for licensed facilities; amending s. 400.147, F.S.; revising reporting requirements; requiring the Agency for Health Care Administration to report to the Governor and the Legislature concerning nursing homes;

RULING ON POINTS OF ORDER

On recommendation of Senator Lee, Chairman of the Committee on Rules and Calendar, the President ruled the points not well taken on **Amendment 1L** and **Amendment 1D**.

Amendment 1L (874584) by Senator Wasserman Schultz failed.

Amendment 1D (753518) by Senator Campbell was withdrawn.

MOTION TO RECONSIDER AMENDMENT

Senator Peaden moved that the Senate reconsider the vote by which **Amendment 1F (211444)** was adopted. The motion failed.

The vote was:

Yeas—18

Brown-Waite	Crist	Lee
Burt	Garcia	Peaden
Carlton	Holzendorf	Pruitt
Clary	King	Sanderson
Constantine	Latvala	Saunders
Cowin	Laurent	Villalobos

Nays—20

Campbell	Lawson	Silver
Diaz de la Portilla	Meek	Smith
Dyer	Miller	Sullivan
Futch	Mitchell	Wasserman Schultz
Geller	Posey	Webster
Jones	Rossin	Wise
Klein	Sebesta	

On motion by Senator Latvala, further consideration of **CS for HB 913** with pending **Amendment 1 (913362)** as amended was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Sebesta, the Senate recalled from Engrossing—

CS for CS for CS for SB 502—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; transfer-

ring the Office of Toll Operations to the turnpike enterprise; redesignating the turnpike district as the turnpike enterprise; amending s. 206.46, F.S.; increasing the rights-of-way bond cap; amending s. 316.302, F.S.; updating federal references; revising out-of-service requirements for commercial motor vehicles; providing a penalty; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; conforming provisions; amending s. 334.044, F.S.; providing powers and duties for department law enforcement officers; amending s. 337.025, F.S.; eliminating the cap on innovative highway projects for the turnpike enterprise; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-way acquisition services; amending s. 337.11, F.S., relating to design-build contract; adding, for a specified period, rights-of-way services to activities that may be part of a design-build contract; providing restrictions; amending s. 338.165, F.S.; conforming provisions; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the turnpike enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165, 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts before obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditures to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending ss. 338.251, 339.135, F.S.; conforming provisions; amending s. 339.12, F.S.; raising the amount that local governments may advance to the department; amending s. 553.80, F.S.; providing for self-regulation; providing an effective date.

—for further consideration.

Senator Laurent moved the following amendment which was adopted:

Amendment 12 (845550)(with title amendment)—On page 37, between lines 16 and 17, insert:

Section 28. Section 341.8201, Florida Statutes, is created to read:

341.8201 Short title.—Sections 341.8201-341.843 may be cited as the "Florida High-Speed Rail Authority Act."

Section 29. Section 341.8202, Florida Statutes, is created to read:

341.8202 Legislative findings, policy, purpose, and intent.—

(1) The intent of this act is to implement the purpose of s. 19, Art. X of the State Constitution, which directs the Legislature, the Cabinet and the Governor to proceed with the development, either by the state or an approved private entity, of a high-speed monorail, fixed guideway, or magnetic levitation system, capable of speeds in excess of 120 miles per hour. The development of such a system, which will link Florida's five largest urban areas as defined in this act, includes acquisition of right-of-way and the financing of design and construction with construction beginning on or before November 1, 2003. Further, this act promotes the various growth management and environmental protection laws enacted by the Legislature and encourages and enhances the establishment of a high-speed rail system. The Legislature further finds that:

(a) The implementation of a high-speed rail system in the state will result in overall social and environmental benefits, improvements in ambient air quality, better protection of water quality, greater preservation of wildlife habitat, less use of open space, and enhanced conservation of natural resources and energy.

(b) A high-speed rail system, when developed in conjunction with sound land use planning, becomes an integral part in achieving growth management goals and encourages the use of public transportation to augment and implement land use and growth management goals and objectives.

(c) Development and utilization of a properly designed, constructed, and financed high-speed rail system and associated development can act as a catalyst for economic growth and development, mitigate unduly long and traffic-congested commutes for day-to-day commuters, create new employment opportunities, serve as a positive growth management system for building a better and more environmentally secure state, and serve a paramount public purpose by promoting the health, safety, and welfare of the citizens of the state.

(d) Transportation benefits of a high-speed rail system include improved travel times and more reliable travel, which will increase productivity and energy efficiency in the state.

(2) The Legislature further finds that:

(a) Access to timely and efficient modes of passenger transportation is necessary for travelers, visitors, and day-to-day commuters, to the quality of life in the state, and to the economy of the state.

(b) Technological advances in the state's transportation system can significantly and positively affect the ability of the state to attract and provide efficient services for domestic and international tourists and therefore increase revenue of the state.

(c) The geography of the state is suitable for the construction and efficient operation of a high-speed rail system.

(d) The public use of the high-speed rail system must be encouraged and assured in order to achieve the public purpose and objectives set forth in this act. In order to encourage the public use of the high-speed rail system and to protect the public investment in the system, it is necessary to provide an environment surrounding each high-speed rail station which will allow the development of associated development for the purpose of creating revenue in support of and for the high-speed rail system, enhance the safe movement of pedestrians and traffic into and out of the area, ensure the personal safety of high-speed rail system and related facility users and their personal property while the users are in the area of each station, and eliminate all conditions in the vicinity which constitute economic and social impediments and barriers to the use of the high-speed rail system and associated development.

(e) Areas surrounding certain proposed high-speed rail stations can, as a result of existing conditions, crime, and traffic congestion, pose a serious threat to the use of the high-speed rail system, reduce revenue from users, discourage pedestrian and traffic ingress and egress, retard sound growth and development, impair public investment, and consume an excessive amount of public revenues in the employment of police and other forms of public protection to adequately safeguard the high-speed rail system and its users. Such areas may require redevelopment, acquisition, clearance, or disposition, or joint public and private development to provide parking facilities, retail establishments, restaurants, hotels, or office facilities associated with or ancillary to the high-speed rail system and rail stations and to otherwise provide for an environment that will encourage the use of, and safeguard, the system.

(f) The powers conferred by this act are for public uses and purposes as established by s. 19, Art. X of the State Constitution for which public funds may be expended, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination to implement the intent of s. 19, Art. X of the State Constitution.

(g) Urban and social benefits include revitalization of economically depressed areas, the redirection of growth in a carefully and comprehensively planned manner, and the creation of numerous employment opportunities within inner-city areas.

(h) The provisions contained in this act are a declaration of legislative intent that the state develop a high-speed rail system to help solve transportation problems and eliminate their negative effect on the citizens of this state, and therefore serves a public purpose.

(i) Joint development is a necessary planning, financing, management, operation, and construction mechanism to ensure the continued future development of an efficient and economically viable high-speed rail system in this state.

(3) It is the intent of the Legislature to authorize the authority to implement innovative mechanisms required to effect the joint public-private venture approach to planning, locating, permitting, managing, financing, constructing, operating, and maintaining a high-speed rail system for the state, including providing incentives for revenue generation, operation, construction, and management by the private sector.

Section 30. Section 341.8203, Florida Statutes, is created to read:

341.8203 Definitions.—As used in this act, unless the context clearly indicates otherwise, the term:

(1) "Associated development" means property, equipment, buildings, or other ancillary facilities which are built, installed, or established to provide financing, funding, or revenues for the planning, building, managing, and operation of a high-speed rail system and which are associated with or part of the rail stations. The term includes property, including air rights, necessary for joint development, such as parking facilities, retail establishments, restaurants, hotels, offices, or other commercial, civic, residential, or support facilities, and may also include property necessary to protect or preserve the rail station area by reducing urban blight or traffic congestion or property necessary to accomplish any of the purposes set forth in this subsection which are reasonably anticipated or necessary.

(2) "Authority" means the Florida High-Speed Rail Authority and its agents.

(3) "Central Florida" means the counties of Lake, Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard, Hernando, Pasco, Hillsborough, Pinellas, and Polk.

(4) "DBOM contract" means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, and maintain a high-speed rail system.

(5) "DBOM & F contract" means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, maintain, and finance a high-speed rail system.

(6) "High-speed rail system" means any high-speed fixed guideway system for transporting people or goods, which system is capable of operating at speeds in excess of 120 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the authority. The term includes a corridor and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, stations, platforms, switches, yards, parking facilities, power relays, switching houses, rail stations, associated development, and any other facilities or equipment used or useful for the purposes of high-speed rail system design, construction, operation, maintenance, or the financing of the high-speed rail system.

(7) "Joint development" means the planning, managing, financing, or constructing of projects adjacent to, functionally related to, or otherwise related to a high-speed rail system pursuant to agreements between any person, firm, corporation, association, organization, agency, or other entity, public or private.

(8) "Northeast Florida" means the counties of Nassau, Duval, Clay, St. Johns, Putnam, Alachua, Marion, and Flagler.

(9) "Northwest Florida" means the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon, Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee, Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford, and Levy.

(10) "Rail station," "station," or "high-speed rail station" means any structure or transportation facility that is part of a high-speed rail system designed to accommodate the movement of passengers from one mode of transportation to another at which passengers board or disembark from transportation conveyances and transfer from one mode of transportation to another.

(11) "Selected person or entity" means the person or entity to whom the authority awards a contract under s. 341.834 to establish a high-speed rail system pursuant to this act.

(12) "Southeast Florida" means the counties of Broward, Monroe, Miami-Dade, Indian River, St. Lucie, Martin, Okeechobee, and Palm Beach.

(13) "Southwest Florida" means the counties of Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte, Glades, Lee, Hendry, and Collier.

(14) "Urban areas" means Central Florida, Northeast Florida, Northwest Florida, Southeast Florida, and Southwest Florida.

Section 31. Section 341.821, Florida Statutes, is amended to read:

341.821 Florida High-Speed Rail Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Florida High-Speed Rail Authority," hereinafter referred to as the "authority."

(2)(a) The governing board of the authority shall consist of nine voting members appointed as follows:

1. Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.

2. Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.

3. Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.

(b) The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years. ~~Initial appointments must be made within 30 days after the effective date of this act.~~

(c) A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.

(d) The Secretary of Transportation shall be a nonvoting ex officio member of the board.

(e) The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.

(f) The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.

(3) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.

(4) The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

Section 32. Section 341.822, Florida Statutes, is amended to read:

341.822 Powers and duties.—

(1) The authority created and established by this act shall *locate,* plan, *design, finance, construct, maintain, own, operate,* administer, and manage the ~~preliminary engineering and preliminary environmental assessment of the intrastate~~ high-speed rail system in the state.~~, hereinafter referred to as "intrastate high-speed rail."~~

(2) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may *only* ~~not~~ incur debt *in accordance with levels authorized by the Legislature*.

(3) The authority shall have perpetual succession as a body politic and corporate.

(4) The authority is authorized to seek *and obtain* federal matching funds or any other funds to fulfill the requirements of this act *either directly or through the Department of Transportation*.

(5) The authority may employ an executive director~~, permanent or temporary,~~ as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

Section 33. Section 341.823, Florida Statutes, is amended to read:

341.823 Criteria for assessment and recommendations.—

(1) The following criteria shall apply *to the establishment of the high-speed rail system* ~~in developing the preliminary engineering, preliminary environmental assessment, and recommendations~~ required by this act:

(a) The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;

(b) The initial segments of the system will be developed and operated between *the* St. Petersburg *area*, *the* Tampa *area*, and *the* Orlando *area*, with future service to *the* Miami *area*;

(c) The authority is to develop a *program* ~~model~~ that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, *maintenance,* ~~and~~ operation*, and financing* of the system;

(2) The authority shall *establish requirements* ~~make recommendations~~ concerning:

(a) The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;

(b) The preferred routes between the cities *and urban areas* designated *in accordance with s. 341.8203* ~~in paragraph (1)(b)~~;

(c) The preferred locations for the stations in the cities *and urban areas* designated *in accordance with s. 341.8203* ~~in paragraph (1)(b)~~;

(d) The preferred locomotion technology to be employed ~~from constitutional choices of monorail, fixed guideway, or magnetic levitation~~; *and*

~~(e) Any changes that may be needed in state statutes or federal laws which would make the proposed system eligible for available federal funding; and~~

(e)~~(f)~~ Any other issues the authority deems relevant to the development of a high-speed rail system.

(3) The authority shall develop a marketing plan, a detailed planning-level ridership study, and an estimate of the annual operating and maintenance cost for the system and all other associate expenses.

~~(3) When preparing the operating plan, the authority shall include:~~

~~(a) The frequency of service between the cities designated in paragraph (1)(b);~~

~~(b) The proposed fare structure for passenger and freight service;~~

~~(c) Proposed trip times, system capacity, passenger accommodations, and amenities;~~

~~(d) Methods to ensure compliance with applicable environmental standards and regulations;~~

~~(e) A marketing plan, including strategies that can be employed to enhance the utilization of the system;~~

~~(f) A detailed planning-level ridership study;~~

~~(g) Consideration of nonfare revenues that may be derived from:~~

~~1. The sale of development rights at the stations;~~

~~2. License, franchise, and lease fees;~~

~~3. Sale of advertising space on the trains or in the stations; and~~

~~4. Any other potential sources deemed appropriate.~~

~~(h) An estimate of the total cost of the entire system, including, but not limited to, the costs to:~~

~~1. Design and build the stations and monorail, fixed guideway, or magnetic levitation system;~~

~~2. Acquire any necessary rights-of-way;~~

~~3. Purchase or lease rolling stock and other equipment necessary to build, operate, and maintain the system.~~

~~(i) An estimate of the annual operating and maintenance costs for the system and all other associated expenses.~~

~~(j) An estimate of the value of assets the state or its political subdivisions may provide as in-kind contributions for the system, including rights-of-way, engineering studies performed for previous high-speed rail initiatives, land for rail stations and necessary maintenance facilities, and any expenses that may be incurred by the state or its political subdivisions to accommodate the installation of the system.~~

~~(k) An estimate of the funding required per year from state funds for the next 30 years for operating the preferred routes between the cities designated in paragraph (1)(b).~~

~~Whenever applicable and appropriate, the authority will base estimates of projected costs, expenses, and revenues on documented expenditures or experience derived from similar projects.~~

Section 34. Section 341.824, Florida Statutes, is amended to read:

341.824 Technical, scientific, or other assistance.—

(1) The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.

(2) The Department of Community Affairs shall, if requested, provide assistance to local governments in analyzing the land use and comprehensive planning aspects of the high-speed rail system. The Department of Community Affairs shall assist the authority with the resolution of any conflicts between the system and adopted local comprehensive plans.

(3) The Department of Environmental Protection shall, if requested, provide assistance to local governments and other permitting agencies in

analyzing the environmental aspects of the high-speed rail system. The Department of Environmental Protection shall assist the authority and the contractor in expediting the approval of the necessary environmental permits for the system.

Section 35. Section 341.827, Florida Statutes, is created to read:

341.827 Service areas; segment designation.—

(1) The authority shall determine in which order the service areas, as designated by the Legislature, will be served by the high-speed rail system.

(2) The authority shall plan and develop the high-speed rail system so that construction proceeds as follows:

(a) The initial segments of the system shall be developed and operated between the St. Petersburg area, the Tampa area, the Lakeland/Winter Haven area, and the Orlando area, with future service to the Miami area.

(b) Construction of subsequent segments of the high-speed rail system shall connect the metropolitan areas of Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft. Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft. Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala, Tallahassee, and Pensacola.

(c) Selection of segments of the high-speed rail system to be constructed subsequent to the initial segments of the system shall be prioritized by the authority, giving consideration to the demand for service, financial participation by local governments, financial participation by the private sector, and the available financial resources of the authority.

Section 36. Section 341.828, Florida Statutes, is created to read:

341.828 Permitting.—

(1) The authority, for the purposes of permitting, may utilize one or more permitting processes provided for in statute, including, but not limited to, the metropolitan planning organization long-range transportation planning process as defined in s. 339.175 (6) and (7), in conjunction with the Department of Transportation's work program process as defined in s. 339.135, or any permitting process now in effect or that may be in effect at the time of permitting and will provide the most timely and cost-effective permitting process.

(2) The authority shall work in cooperation with metropolitan planning organizations in areas where the high-speed rail system will be located. The metropolitan planning organizations shall cooperate with the authority and include the high-speed rail system alignment within their adopted long-range transportation plans and transportation improvement programs for the purposes of providing public information, consistency with the plans, and receipt of federal and state funds by the authority to support the high-speed rail system.

(3) For purposes of selecting a route alignment, the authority may use the project development and environment study process, including the efficient transportation decisionmaking system process as adopted by the Department of Transportation.

Section 37. Section 341.829, Florida Statutes, is created to read:

341.829 Conflict prevention, mitigation, and resolution.—

(1) The authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, shall develop and implement, within 180 days after the effective date of this act, a process to prevent, mitigate, and resolve, to the maximum extent feasible, any conflicts or potential conflicts of a high-speed rail system with growth management requirements and environmental standards.

(2) Any person who disagrees with the alignment decision must file a complaint with the authority within 20 days after the authority's final adoption of the alignment.

(3) The authority must respond to any timely filed complaint within 60 days after the complaint is filed with the authority.

Section 38. Section 341.830, Florida Statutes, is created to read:

341.830 Procurement.—

(1) The authority may employ procurement methods under chapters 255, 287, and 337 and under any rule adopted under such chapters. To enhance the effective and efficient operation of the authority, and to enhance the ability of the authority to use best business practices, the authority may, pursuant to ss. 120.536(1) and 120.54, adopt rules for and employ procurement methods available to the private sector.

(2) The authority is authorized to procure commodities and the services of a qualified person or entity to design, build, finance, operate, maintain, and implement a high-speed rail system, including the use of a DBOM or DBOM & F method using a request for proposal, a request for qualifications, or an invitation to negotiate.

Section 39. Section 341.831, Florida Statutes, is created to read:

341.831 Prequalification.—

(1) The authority may prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system. The authority may establish qualifying criteria that may include, but not be limited to, experience, financial resources, organization and personnel, equipment, past record or history of the person or entity, ability to finance or issue bonds, and ability to post a construction or performance bond.

(2) The authority may establish the qualifying criteria in a request for qualification without adopting the qualifying criteria as rules.

Section 40. Section 341.832, Florida Statutes, is created to read:

341.832 Request for qualifications.—

(1) The authority is authorized to develop and execute a request for qualifications process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for qualifications. The authority shall develop criteria for selection of a person or entity that shall be included in any request for qualifications.

(2) The authority may issue a request for qualifications without adopting a rule.

Section 41. Section 341.833, Florida Statutes, is created to read:

341.833 Request for proposals.—

(1) The authority is authorized to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for proposals. The authority shall develop criteria for selection of a person or entity that shall be included in any request for proposals.

(2) In the request for proposals, the authority shall specify the minimum period of time for the contract duration. A person or entity may propose a longer period of time for the contract and provide justification of the need for an extended contract period. If the authority extends the time period for the contract, such time period shall be extended for all persons or entities if so requested.

Section 42. Section 341.834, Florida Statutes, is created to read:

341.834 Award of contract.—

(1) The authority may award a contract subject to such terms and conditions, including, but not limited to, compliance with any applicable permitting requirements, and any other terms and conditions the authority considers appropriate.

(2) The contract shall authorize the contractor to provide service between stations as established by the contract. The contractor shall coordinate its facilities and services with passenger rail providers, commuter rail authorities, and public transit providers to provide access to and from the high-speed rail system.

(3) The contractor shall not convey, lease, or otherwise transfer any high-speed rail system property, any interest in such property, or any improvement constructed upon such property without written approval of the authority.

Section 43. Section 341.835, Florida Statutes, is created to read:

341.835 Acquisition of property; rights-of-way; disposal of land.—

(1) The authority may purchase, lease, exchange, or otherwise acquire any land, property interests, or buildings or other improvements, including personal property within such buildings or on such lands, necessary to secure or utilize rights-of-way for existing, proposed, or anticipated high-speed rail system facilities.

(2) Title to any property acquired in the name of the authority shall be administered by the authority under such terms and conditions as the authority may require.

(3) When the authority acquires property for a high-speed rail system, or any related or ancillary facilities, by purchase or donation, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

(4) In acquiring property or property rights for any high-speed rail system or related or ancillary facilities, the authority may acquire an entire lot, block, or tract of land if the interests of the public will be best served by such acquisition, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper or for the specific related or ancillary facilities.

(5) The authority, by resolution, may dispose of any interest in property acquired pursuant to this section on terms and conditions the authority deems appropriate.

(6) The authority and its employees and agents shall have the right to enter upon properties which may be determined to be necessary for the construction, reconstruction, relocation, maintenance, and operation of a proposed high-speed rail system and associated development and related or ancillary facilities as described in subsection (1) for the purposes of surveying and soil and environmental testing.

(7) The authority is authorized to accept donations of real property from public or private entities for the purposes of implementing a high-speed rail system.

Section 44. Section 341.836, Florida Statutes, is created to read:

341.836 Associated development.—

(1) The authority, alone or as part of a joint development, may undertake development of associated developments to be a source of revenue for the establishment, construction, operation, or maintenance of the high-speed rail system. Such associated developments must be associated with a rail station and have pedestrian ingress to and egress from the rail station; be consistent, to the extent feasible, with applicable local government comprehensive plans and local land development regulations; and otherwise be in compliance with the provisions of this act.

(2) This act does not prohibit the authority, the selected person or entity, or a party to a joint venture with the authority or its selected person or entity from obtaining approval, pursuant to any other law, for any associated development that is reasonably related to the high-speed rail system.

Section 45. Section 341.837, Florida Statutes, is created to read:

341.837 Payment of expenses.—All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act, or from other legally available sources.

Section 46. Section 341.838, Florida Statutes, is created to read:

341.838 Rates, rents, fees, and charges.—

(1) The authority is authorized to fix, revise, charge, and collect rates, rents, fees, charges, and revenues for the use of and for the services furnished, or to be furnished, by the system and to contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. Such rates, rents, fees, and charges shall be reviewed annually by the authority and may be adjusted as set forth in the contract setting such rates, rents, fees, or charges. The funds collected hereunder shall, with any other funds available, be used to pay the cost of all administrative expenses of the authority, and the cost of designing, building, operating, and maintaining the system and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for.

(2) Rates, rents, fees, and charges fixed, revised, charged, and collected pursuant to this section shall not be subject to supervision or regulation by any department, commission, board, body, bureau, or agency of this state other than the authority.

Section 47. Section 341.839, Florida Statutes, is created to read:

341.839 Alternate means.—The foregoing sections of this act shall be deemed to provide an additional and alternative method for accomplishing the purposes authorized therein, and shall be regarded as supplemental and additional to powers conferred by other laws. Except as otherwise expressly provided in this act, none of the powers granted to the authority under the provisions of this act shall be subject to the supervision or require the approval or consent of any municipality or political subdivision or any commission, board, body, bureau, or official.

Section 48. Section 341.840, Florida Statutes, is created to read:

341.840 Tax exemption.—The exercise of the powers granted by this act will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and as the design, building, operation, maintenance, and financing of a system by the authority or its agent or the owner or lessee thereof, as herein authorized, constitutes the performance of an essential public function, neither the authority, its agent, nor the owner of such system shall be required to pay any taxes or assessments upon or in respect to the system or any property acquired or used by the authority, its agent, or such owner under the provisions of this act or upon the income therefrom, any security therefor, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, the counties, and the municipalities and other political subdivisions in the state.

Section 49. Section 341.841, Florida Statutes, is created to read:

341.841 Report; audit.—The authority shall prepare an annual report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1. The authority shall provide for an annual financial audit, as defined in s. 11.45, of its accounts and records conducted by an independent certified public accountant. The audit report shall include a management letter as defined in s. 11.45. The cost of the audit shall be paid from funds available to the authority pursuant to this act.

Section 50. Section 341.842, Florida Statutes, is created to read:

341.842 Liberal construction.—This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

Section 51. Subsection (10) of section 288.109, Florida Statutes, is amended to read:

288.109 One-Stop Permitting System.—

(10) Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water manage-

ment district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; *and* the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425~~; and the High Speed Rail Transportation Siting Act, ss. 341.3201-341.386~~.

Section 52. Subsection (6) of section 334.30, Florida Statutes, is amended to read:

334.30 Private transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(6) ~~Notwithstanding s. 341.327,~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.

Section 53. Subsection (9) of section 337.251, Florida Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(9) ~~Notwithstanding s. 341.327,~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under this section may operate at any safe speed.

Section 54. Section 341.501, Florida Statutes, is amended to read:

341.501 High-technology transportation systems; joint project agreement or assistance.—Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, private or public entities, or consortia thereof, to facilitate the research, development, and demonstration of high-technology transportation systems, including, but not limited to, systems using magnetic levitation technology. ~~The provisions of the Florida High-Speed Rail Transportation Act, ss. 341.3201-341.386, do not apply to actions taken under this section, and~~ The department may, subject to s. 339.135, provide funds to match any available federal aid for effectuating the research, development, and demonstration of high-technology transportation systems.

Section 55. *Sections 341.3201, 341.321, 341.322, 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331, 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337, 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365, 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465, 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364, 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375, 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 28, after the semicolon (;) insert: creating the "Florida High-Speed Rail Authority Act"; creating s. 341.8201, F.S.; providing a short title; creating s. 341.8202, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, design, financing, construction, and operation of a high-speed rail system in the state; creating s. 341.8203, F.S.; providing definitions; amending s. 341.821, F.S., relating to the creation of the Florida High-Speed Rail Authority; removing obsolete provisions; amending s. 341.822, F.S.; revising and providing additional powers and duties of the authority; amending s. 341.823, F.S.; revising the criteria for assessment and recommendations with respect to the establishment of the high-speed rail system; requiring the authority to establish specified requirements; requiring the authority to develop a specified plan, study, and estimates; amending s. 341.824, F.S.; specifying types of technical, scientific, or other assistance to be provided by the Department of Community Affairs and the Department of Environmental Protection; creating s. 341.827, F.S.; providing for determination of service areas and the order of system segment construction; creating s. 341.828, F.S.; authorizing the authority to utilize existing permitting processes; requiring cooperation between the authority and metropolitan planning organizations; creating s. 341.829, F.S.; requiring the authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, to develop and implement a process to mitigate and resolve conflicts between the system and growth management requirements and environmental standards; providing time limits for the filing of and response to specified complaints; creating s. 341.830, F.S.; authorizing the authority to employ specified procurement methods; providing for the adoption of rules; authorizing the authority to procure commodities and services for the designing, building, financing, maintenance, operation, and implementation of a high-speed rail system; creating s. 341.831, F.S.; authorizing the authority to prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system; providing for the establishment of qualifying criteria; creating s. 341.832, F.S.; authorizing the authority to develop and execute a request for qualifications process; creating s. 341.833, F.S.; authorizing the authority to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system; creating s. 341.834, F.S.; providing for award of a conditional contract; providing contract requirements; prohibiting transfer of system property without written approval; creating s. 341.835, F.S.; authorizing the authority to purchase, lease, exchange, or acquire land, property, or buildings necessary to secure or utilize rights-of-way for high-speed rail system facilities; providing that the authority is not subject to specified liability; authorizing the authority and the Department of Environmental Protection to enter into certain interagency agreements; providing for the disposal of interest in property; authorizing agents and employees of the authority to enter upon certain property; authorizing the authority to accept donations of real property; creating s. 341.836, F.S.; authorizing the authority to undertake the development of associated developments; providing requirements of associated developments; creating s. 341.837, F.S.; providing for payment of expenses incurred in carrying out the act; creating s. 341.838, F.S.; authorizing the authority to fix, revise, charge, collect, and adjust rates, rents, fees, charges, and revenues, and to enter into contracts; providing for annual review by the authority of rates, rents, fees, and charges; providing for uses of revenues; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, approval, or consent; creating s. 341.840, F.S.; providing tax exemptions for property acquired or used by the authority or specified income; creating s. 341.841, F.S.; requiring the authority to prepare and submit a report; providing for an annual audit; creating s. 341.842, F.S.; providing construction of the act; amending s. 288.109, F.S.; removing a cross reference; amending s. 334.30, F.S.; removing a cross reference; amending s. 337.251, F.S.; removing a cross reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the "Florida High-Speed Rail Transportation Act"; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental

review process of application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens' Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be conducted by local governments; repealing s. 341.348, F.S., relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings;

Pursuant to Rule 4.19, **CS for CS for CS for SB 502** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 654** and **CS for SB 1440** were withdrawn from the Committee on Rules and Calendar; **SB 1034** and **CS for SB 1664** were withdrawn from the Committee on Finance and Taxation; **CS for SB 1504**, **CS for SB 1532**, **CS for CS for SB 2168** and **CS for CS for SB 2242** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for CS for SB 1518** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 1950** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 2312** and **CS for SB 2368** were withdrawn from the Committee on Judiciary; **SB 2616** was withdrawn from the Committee on Rules and Calendar; and referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar; **CS for HB 429** was withdrawn from the Committee on Regulated Industries; and **HB 423**, **CS for HB 1071** and **HB 1079** were withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs.

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 21.

On motion by Senator Lee, a deadline of 30 minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Thursday, March 21.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 20, 2002: CS for SB 2122, CS for CS for CS for SB 2120, CS for SB 2090, CS for CS for SB 2072, CS for CS for SB 2224, CS for SB 2210, CS for SB 510, CS for CS for SB 1436, SB 2058, CS for SB 398, CS for SB 1102, CS for SB 532, CS for SB 2380, SB 1456, CS for CS for SB 556, SJR 1084, CS for SB 1478, CS for SB 1208, CS for CS for SB 432, CS for CS for SB 1490, CS for SB 1822, CS for SB 1874, CS for SB 1980, CS for SB 2042, CS for SB 2214, SB 250, CS for CS for SB 360, CS for CS for SB 568, CS for CS for SB 576, SB 1030, CS for CS for SB 1300, CS for CS for SB 1314, CS for SB 1472, CS for SB 1580, CS for SB 1800, CS for SB 1480, CS for SB 1860, CS for SB 1862, SB 1868, SB 2076, CS for CS for SB 2078, CS for SB 2276, SB 252, SB 308, SB 352, SB 254, SB 368, CS for SB 650, SB 944, CS for SB 1094, SB 1568, CS for SB 102, CS for SB 624, CS for SB 1142, CS for CS for CS for SB 710, CS for SB 988, CS for SB 980, CS for SB 1350, CS for SJR's 1666 and 1118, CS for CS for SB 2340, CS for SB 660, CS for SB 2206, CS for SB 1428, CS for SB 1618, CS for SB's 1416 and 1884, CS for CS for CS for SB 1024, SB 1954, CS for SB 1902

Respectfully submitted,
Tom Lee, Chairman

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Saunders—

SB 2688—A bill to be entitled An act relating to Collier County; providing for liens in favor of a nonprofit corporation operating a charitable hospital within the county upon causes of action, suits, claims, counterclaims, and demands accruing to patients, or their legal representatives; providing for liens upon amounts due under hospital insurance and upon judgments, settlements, and settlement agreements for charges for hospital care, treatment, and maintenance; providing for liens upon amounts due under hospitalization, public liability, and other indemnity policies; providing for perfecting and enforcing such liens; providing for recovery of costs, attorney's fees, and expenses; requiring that a claim of lien be recorded; providing recording fees; providing a method for satisfying a lien; providing that a release or satisfaction is not valid unless the lienholder joins in or executes a release; providing that a settlement in the absence of a release is prima facie evidence of an impairment of the lien; providing that the lienholder has a right of action for damages on account of such impairment; providing for recovery from the party accepting a release or satisfaction or making a settlement; providing that the act does not apply to accidents or injuries covered by the state's Workers' Compensation Law; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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 CS for HB 295, CS for HB 777, CS for HB 909, HB 945,

HB 1221, CS for HB 1223, HB 1405, CS for HB 1475, CS for HB 1487, CS for HB 1515, CS for HB 1545, CS for HB 1563, CS for HB 1641, CS for HB 1661, HB 2009; has passed as amended CS for CS for CS for HB 519, HB 525, HB 703, HB 727, CS for HB 787, CS for HB 795, CS for HB 821, CS for CS for HB 871, CS for HB 913, CS for HB 915, CS for HB 933, CS for CS for HB 1057, CS for HB 1219, CS for CS for HB 1275, HB 1289, HB 1313, CS for HB 1447, CS for HB 1511, HB 1537, CS for HB 1643, CS for HB 1673, CS for HB 1679, HB 1689, CS for HB 1781, HB 1821, HB 1977, HB 2003; has passed by the required Constitutional three-fifths vote of the membership HB 1575, HB 1997, HB 1999 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Healthy Communities; the Committee on Health and Human Services Appropriations; and Representative Littlefield and others—

CS for CS for HB 295—A bill to be entitled An act relating to persons with disabilities; creating s. 413.402, F.S.; directing the Florida Association of Centers for Independent Living to develop a personal care attendant pilot program to serve persons with spinal cord injuries; providing for memorandums of understanding with specified entities; providing eligibility for pilot program participation; providing for selection and training of participants and personal care attendants; providing for use of a licensed nurse registry to recruit and screen participants and act as a fiscal intermediary; providing for assessment of participants for work-related training programs; providing for development of a plan for program implementation; requiring a report to the Legislature; providing for implementation on a specified date; directing the Department of Revenue to develop and implement a tax collection enforcement diversion program; providing for coordination with the Florida Association of Centers for Independent Living, the Florida Prosecuting Attorneys Association, and the state attorneys' offices; providing for deposit and use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; providing an appropriation; providing an effective date.

—was referred to the Committees on Children and Families; Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Council for Competitive Commerce; and Representative Kilmer—

CS for HB 777—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 contractors 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; amending s. 213.053, F.S.; authorizing release of certain additional information in administering certain tax credit or exemption programs; amending ss. 443.171 and 443.1715, F.S.; including the refund program for aviation-industry businesses within certain exceptions to certain public records exemptions; providing a statement of public necessity; providing contingent effect; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Rules and Calendar.

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

CS for HB 909—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 constitutional amendments proposed by initiative remain valid; requiring disclosure on the petition form of the use of paid persons to gather signatures; requiring submission of the text of such amendments to the Revenue Estimating Conference for determination of any fiscal impact; providing for affixing of fiscal impact statements to the text of such amendments prior to their circulation for signatures; providing a deadline for sponsors to submit signed and dated forms to the supervisors of elections; providing a deadline for supervisors of elections to certify signatures to the Secretary of State; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Lee and others—

HB 945—A bill to be entitled An act relating to the Jacksonville Seaport Authority; amending ch. 2001-319, Laws of Florida; authorizing applications to be filed for, and agreements with respect to, the establishment of bonded warehouses and a free port, foreign trade zone, or area for the reception from foreign countries of articles or commerce both within and without the territorial boundaries of Duval County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Byrd and others—

HB 1221—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; increasing that portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to finance a cancer research facility at the University of South Florida; amending s. 210.201, F.S.; providing for the use of the transferred moneys; authorizing, rather than requiring, replacement of such moneys by tobacco settlement proceeds; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for HB 1223—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 heath, care, and treatment of patients; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Health Regulation; and Representative Farkas and others—

HB 1405—A bill to be entitled An act relating to health care practitioner student loans and service scholarship obligations; amending s. 456.074, F.S.; providing for an emergency order suspending the license of any health care practitioner who has defaulted on a student loan issued or guaranteed by the state or the Federal Government; amending s. 456.072, F.S., and reenacting subsection (2), relating to disciplinary actions; clarifying the ground for disciplinary action for failing to perform a statutory or legal obligation to include failing to repay a student

loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan and for failing to comply with service scholarship obligations; providing penalties; directing the Department of Health to obtain certain information from the United States Department of Health and Human Services on a monthly basis and to include certain information in its annual report to the Legislature; reenacting ss. 456.026 and 456.073, F.S., relating to the annual report and disciplinary proceedings, respectively, to conform; providing applicability; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Council for Ready Infrastructure; and Representative Hogan—

CS for HB 1475—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 application; providing an effective date.

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

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

CS for HB 1487—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information received by a taxing authority or its agency in connection with certain audits of the records of a provider of telecommunication services; providing for review and repeal of the exemption; providing that the act is remedial and applies regardless of when the audit was begun; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; and Rules and Calendar.

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

CS for HB 1515—A bill to be entitled An act relating to high-speed rail transportation; creating the "Florida High-Speed Rail Authority Act"; creating s. 341.8201, F.S.; providing a short title; creating s. 341.8202, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, design, financing, construction, and operation of a high-speed rail system in the state; creating s. 341.8203, F.S.; providing definitions; amending s. 341.821, F.S., relating to the creation of the Florida High-Speed Rail Authority; removing obsolete provisions; amending s. 341.822, F.S.; revising and providing additional powers and duties of the authority; amending s. 341.823, F.S.; revising the criteria for assessment and recommendations with respect to the establishment of the high-speed rail system; requiring the authority to establish specified requirements; requiring the authority to develop a specified plan, study, and estimates; amending s. 341.824, F.S.; specifying types of technical, scientific, or other assistance to be provided by the Department of Community Affairs and the Department of Environmental Protection; creating s. 341.827, F.S.; providing for determination of service areas and the order of system segment construction; creating s. 341.828, F.S.; authorizing the authority to utilize existing permitting processes; requiring cooperation between the authority and metropolitan planning organizations; creating s. 341.829, F.S.; requiring the authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, to develop and implement a process to mitigate and resolve conflicts between the system and growth management requirements and environmental standards; providing time limits for the filing of and response to specified complaints; creating s. 341.830, F.S.; authorizing the authority to employ specified procurement methods; providing for the adoption of rules; authorizing the authority to procure commodities and services for the designing, building, financing, maintenance, operation, and implementation of a high-speed rail system; creating s. 341.831, F.S.; authorizing the authority to prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system; providing for the establishment of qualifying criteria; creating s. 341.832, F.S.; authorizing the authority to develop and execute a request for qualifications process; creating s. 341.833, F.S.; authorizing the authority to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system; creating s. 341.834, F.S.; providing for award of a conditional contract; providing contract requirements; prohibiting transfer of system property without written approval; creating s. 341.835, F.S.; authorizing the authority to purchase, lease, exchange, or acquire land, property, or buildings necessary to secure or utilize rights-of-way for high-speed rail system facilities; providing that the authority is not subject to specified liability; authorizing the authority and the Department of Environmental Protection to enter into certain interagency agreements; providing for the disposal of interest in property; authorizing agents and employees of the authority to enter upon certain property; authorizing the authority to accept donations of real property; creating s. 341.836, F.S.; authorizing the authority to undertake the development of associated developments; providing requirements of associated developments; creating s. 341.837, F.S.; providing for payment of expenses incurred in carrying out the act; creating s. 341.838, F.S.; authorizing the authority to fix, revise, charge, collect, and adjust rates, rents, fees, charges, and revenues, and to enter into contracts; providing for annual review by the authority of rates, rents, fees, and charges; providing for uses of revenues; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, approval, or consent; creating s. 341.840, F.S.; providing tax exemptions for property acquired or used by the authority or specified income; creating s. 341.841, F.S.; requiring the authority to prepare and submit a report; providing for an annual audit; creating s. 341.842, F.S.; providing construction of the act; amending s. 288.109, F.S.; removing a cross reference; amending s. 334.30, F.S.; removing a cross reference; amending s. 337.251, F.S.; removing a cross reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the "Florida High-Speed Rail Transportation Act"; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental review process of application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and

duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens' Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be conducted by local governments; repealing s. 341.348, F.S., relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings; providing effective dates.

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

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

CS for HB 1545—A bill to be entitled An act relating to burden of proof in negligence actions involving transitory foreign objects or substances; creating s. 768.0710, F.S.; providing requirements with respect to the burden of proof in claims against persons or entities in possession or control of business premises; providing for the application of the act; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

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

CS for HB 1563—A bill to be entitled An act relating to sentencing; amending s. 775.082, F.S.; requiring that the court sentence a prison releasee reoffender under provisions requiring enhanced penalties rather than under the sentencing guidelines or Criminal Punishment Code if the defendant's sentence under the guidelines or Criminal Punishment Code would be less severe; authorizing the court to impose a sentence greater than that otherwise provided by law using the scoresheet of the sentencing guidelines or Criminal Punishment Code; providing an effective date.

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

By the Council for Healthy Communities; and Representative Evers—

CS for HB 1641—A bill to be entitled An act relating to law enforcement; amending s. 943.12, F.S.; requiring the Criminal Justice Standards and Training Commission to conduct inquiries of criminal justice training instructors; amending s. 943.13, F.S.; authorizing physician assistants to examine law enforcement officers as a condition of employment; amending s. 943.131, F.S.; revising provisions relating to minimum basic training for temporary employees and officers; amending s. 943.135, F.S.; deleting requirement to provide a remediation program for certain officers; amending s. 943.14, F.S.; revising provisions relating to commission-certified criminal justice training schools; authorizing employing agencies to submit information regarding fingerprints and criminal history checks; amending s. 943.17, F.S.; revising provisions relating to basic recruit, advanced, and career development programs; providing for a specialized training program; amending s. 943.173, F.S.; removing requirement that certain examinations be adopted by the commission; amending s. 943.175, F.S.; removing provisions relating to specialized training programs; amending s. 943.22, F.S.; clarifying authority for accreditation; amending s. 943.25, F.S.; prohibiting the assessment of costs for advanced and specialized training under certain circumstances; conforming a cross reference; amending s. 316.640, F.S.; revising provisions relating to required instruction for certain traffic officers; amending s. 790.065, F.S., relating to the sale and delivery of weapons and firearms; extending the date of repeal of such section; providing an effective date.

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

By the Council for Lifelong Learning; and Representative Justice and others—

CS for HB 1661—A bill to be entitled An act relating to school advisory councils; amending s. 229.58, F.S.; requiring school advisory councils to adopt bylaws; requiring that the bylaws include procedures for establishing a quorum, requiring notice of meetings, and replacing members; authorizing the district school board to review the proposed bylaws; providing an effective date.

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

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

HB 2009—A bill to be entitled An act relating to Alzheimer's disease research; establishing the Florida Alzheimer's Center and Research Institute at the University of South Florida; requiring the State Board of Education to enter into an agreement with a not-for-profit corporation for the governance and operation of the institute; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing powers of the corporation; providing for a board of directors of the corporation and the appointment and terms of its membership; authorizing the State Board of Education to secure and provide liability protection; providing for an annual audit and report; providing for assumption of certain responsibilities of the corporation by the State Board of Education under certain circumstances; providing for administration of the institute; providing for dispersal and use of income; providing for reporting of activities; requiring the appointment of a council of scientific advisers; providing responsibilities and terms of the council; providing that the corporation

and its subsidiaries are not agencies within the meaning of s. 20.03(11), F.S.; providing appropriations; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Education; and Governmental Oversight and Productivity.

By the Council for Lifelong Learning; the Committees on Health and Human Services Appropriations; Colleges and Universities; and Representative Murman and others—

CS for CS for CS for HB 519—A bill to be entitled An act relating to nursing shortage solutions; providing a short title; amending s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program; revising provisions relating to loan repayment; providing a restriction on participation in the program; amending s. 240.4076, F.S., relating to the Nursing Scholarship Program; revising eligibility provisions; revising provisions relating to repayment of a scholarship under certain circumstances; deleting obsolete language; creating the Sunshine Workforce Solutions Grant Program; providing for grants to fund the establishment of exploratory programs in nursing or programs of study in nursing in the public schools; providing requirements and procedures for application and selection; amending s. 464.009, F.S.; revising provisions relating to eligibility for licensure by endorsement to practice professional or practical nursing; providing for future repeal; amending s. 464.019, F.S.; revising rulemaking authority of the Board of Nursing relating to approval of nursing programs; exempting certain nursing programs from certain board rules under certain circumstances; requiring board review of a nursing program under certain circumstances; amending s. 464.022, F.S.; providing an exemption from licensure for a nurse licensed in a territory of the United States; providing an appropriation to the Department of Health to provide grants to hospitals for nurse retention and recruitment activities; requiring matching of appropriated funds; providing for rules; providing eligibility criteria; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Appropriations.

By Representative Littlefield and others—

HB 525—A bill to be entitled An act relating to chronic diseases; creating s. 385.210, F.S.; creating the "Arthritis Prevention and Education Act"; providing legislative findings; providing purposes; directing the Department of Health to establish an arthritis prevention and education program; requiring the department to conduct a needs assessment; providing for establishment of an advisory panel on arthritis; providing for implementation of a public awareness effort; providing for funding through contributions; directing the Secretary of Health to seek federal waivers as necessary to maximize federal funding; establishing a Prostate Cancer Awareness Program within the Department of Health; specifying purpose, activities, administration, and funding sources for the program; creating a prostate cancer advisory committee; providing for appointment of members; providing for reimbursement of expenses; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Green and others—

HB 703—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 among 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; 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 a director and an advisory council to the Office of Long-Term Care Policy; specifying membership and duties of the director and advisory council; providing for reimbursement of per diem and travel expenses for members of the advisory council; 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, and 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. 20.41, F.S.; providing for administration of the State Long-Term Care Ombudsman Council by the Department of Elderly Affairs; amending s. 400.0063, F.S.; locating the Office of the State Long-Term Care Ombudsman in the department; providing for appointment of the ombudsman by the Secretary of Elderly Affairs; amending s. 400.0065, F.S.; requiring the secretary's approval of staff for the local ombudsman councils; deleting requirement that the ombudsman prepare an annual legislative budget request; revising rulemaking authority; amending s. 400.0067, F.S.; revising duties of the State Long-Term Care Ombudsman Council; providing duties of the department and secretary; amending s. 400.0069, F.S.; increasing the maximum membership of the local long-term care ombudsman councils; amending s. 400.0071, F.S.; revising procedures relating to complaints; amending s. 400.0087, F.S.; revising provisions relating to agency oversight; amending s. 400.0089, F.S.; revising reporting responsibilities; 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; amending s. 477.025, F.S.; exempting certain facilities from a provision of law requiring licensing as a cosmetology salon; 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; repealing s. 400.0066(2) and (3), F.S., relating to the Office of State Long-Term Care Ombudsman; deleting a prohibition on interference with the official duty of any ombudsman staff or volunteers; deleting reference to administrative support by the Department of Elderly Affairs; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Committee on Security, Select; and Representative Goodlette and others—

HB 727—A bill to be entitled An act relating to disaster preparedness; amending s. 252.365, F.S.; revising the process for coordination and approval of disaster-preparedness plans; directing each agency coordination officer to complete a revised plan by a specified date; requiring

the Division of Emergency Management of the Department of Community Affairs to develop guidelines for the plans; providing an effective date.

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

By the Council for Smarter Government; and Representative Rubio—

CS for HB 787—A bill to be entitled An act relating to limited liability companies; amending s. 608.401, F.S.; conforming a cross-reference to changes made by the act; amending s. 608.402, F.S.; revising definitions; amending s. 608.404, F.S.; authorizing a limited liability company to select managing members; amending s. 608.407, F.S.; revising requirements of the articles of organization for a company managed by one or more managers; amending s. 608.408, F.S.; providing requirements for executing articles of organization; amending s. 608.4081, F.S.; providing for filing a document with the Department of State; amending s. 608.409, F.S.; prohibiting the transaction of business or incurrence of debt until the effective date of the company's existence; amending s. 608.4101, F.S.; providing additional requirements with respect to recordkeeping; amending s. 608.411, F.S.; providing for amendments to or restatements of articles of organization; amending s. 608.422, F.S.; providing requirements for a member-managed company; providing for appointing a proxy; amending s. 608.4225, F.S.; providing standards for managers and managing members; amending s. 608.4226, F.S.; providing for validity of contracts and other transactions notwithstanding certain conflicts of interest; amending s. 608.4227, F.S.; providing for liability of managers and managing members; amending s. 608.4228, F.S.; limiting the liability of managers and managing members; amending s. 608.4229, F.S.; providing for indemnification of members of a limited liability company; amending s. 608.423, F.S.; providing requirements for operating agreements by members of a limited liability company; amending s. 608.4231, F.S.; providing for voting by managing members; authorizing a vote by proxy; amending s. 608.4235, F.S.; authorizing a managing member to act as an agent of the limited liability company; amending s. 608.4238, F.S.; providing liability for unauthorized actions; amending s. 608.425, F.S.; providing for validity of certain instruments and documents; amending s. 608.428, F.S.; prohibiting certain distributions from a limited liability company; amending s. 608.432, F.S.; providing for assignment of a member's interest in a limited liability company; amending s. 608.438, F.S.; requiring that a plan of merger specify the managing members; amending s. 608.441, F.S.; providing for dissolution of a limited liability company; amending s. 608.444, F.S.; providing for distribution of assets upon dissolution; amending ss. 608.445, 608.446, F.S.; providing requirements for articles of dissolution and for filing the articles; amending s. 608.449, F.S.; providing grounds for judicial dissolution; amending s. 608.463, F.S.; providing for service of process; amending s. 608.504, F.S.; providing for an amended certificate of authority; amending s. 608.507, F.S.; revising requirements for the registered office of a domestic company; creating s. 608.704, F.S.; specifying the Legislature's power to amend or repeal ch. 608, F.S.; creating s. 608.705, F.S.; providing for the effect of the repeal of a prior act; providing an effective date.

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

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

CS for HB 795—A bill to be entitled An act relating to wrongful death; amending s. 768.21, F.S.; specifying conditions for the determination of whether there is a surviving spouse under certain circumstances; providing an effective date.

—was referred to the Committee on Judiciary.

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

CS for HB 821—A bill to be entitled An act relating to substance abuse and mental health programs; amending s. 394.4574, F.S.; requiring district administrators of the Department of Children and Family Services to accept community input in the implementation of plans to ensure the provision of certain treatment to certain patients; requiring publicly announced meetings for input from assisted living facilities that hold limited mental health licenses; providing for annual review of district plans; amending s. 394.74, F.S.; authorizing the Department of Children and Family Services to use case rates or per capita contracts in contracting for the provision of services for local substance abuse and mental health programs; specifying additional requirements relating to such contracts; providing an effective date.

—was referred to the Committees on Children and Families; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By the Council for Healthy Communities; the Committee on Colleges and Universities; and Representative Hogan and others—

CS for CS for HB 871—A bill to be entitled An act relating to immunizations; creating s. 381.0421, F.S.; requiring that individuals enrolled in a postsecondary educational institution be provided information regarding meningococcal meningitis and hepatitis B vaccines and, if residing in on-campus housing, provide documentation of vaccination against meningococcal meningitis and hepatitis B, or a statement declining such vaccination; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Education; Appropriations Subcommittee on Education; and Appropriations.

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

CS for HB 913—A bill to be entitled An act relating to health care; amending s. 627.6699, F.S.; revising a definition; authorizing carriers to separate certain experience groups for certain purposes; providing limitations for rates under an alternative modified community rating under certain circumstances; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and flexible health benefit plans; including coverage for diabetes treatment in certain plans, policies, and contracts; revising certain disclosure requirements; providing additional notice requirements; 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; 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; providing exemptions; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Appropriations.

By the Council for Lifelong Learning; and Representative Hogan and others—

CS for HB 915—A bill to be entitled An act relating to public schools; amending s. 233.062, F.S.; directing the superintendent of schools to provide for the display of the motto "IN GOD WE TRUST" in a prominent location in public schools; providing an effective date.

—was referred to the Committee on Education.

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

CS for HB 933—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.053, F.S., relating to termination requirements and benefits of elected officers participating in the Deferred Retirement Option Program; amending s. 121.091, F.S., regarding Deferred Retirement Option Program termination requirements for elected officers; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; amending the definition of "eligible employee"; providing for an extension of time to transfer assets from the defined benefit plan in the event of market disruption; providing for acceptance of rollovers; requiring the election be filed with the third-party administrator; amending the earnings rate for funds in the suspense account to be invested by the board; providing for spousal notification of designation of beneficiary; providing for spousal rollovers to an eligible retirement plan; providing authorization for statements under oath; amending s. 121.571, F.S., relating to contributions to participant accounts; providing for a penalty for late contributions; providing for an assessment equal to certain market losses and the calculation thereof; providing an effective date.

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

By the Council for Healthy Communities; the Committee on Crime Prevention, Corrections and Safety; and Representative Simmons and others—

CS for CS for HB 1057—A bill to be entitled An act relating to driving or boating under the influence of alcohol or controlled substances; amending s. 316.193, F.S.; reducing the number of convictions required for a felony DUI; requiring mandatory placement of an ignition interlock device under certain circumstances; revising conditions for conviction in cases of accident, serious bodily injury, or death; removing a cross reference; amending s. 316.1932, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 316.1933, F.S.; requiring a person to submit to a blood test under certain circumstances; amending s. 316.1937, F.S.; requiring placement of an ignition interlock device under certain circumstances; directing the court regarding requirements for ignition interlock devices; creating s. 316.1939, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; amending s. 322.271, F.S.; providing for the privilege of driving with an ignition interlock device while a license is revoked or suspended, under certain circumstances; amending s. 327.35, F.S.; reducing the number of convictions required for a felony BUI; revising conditions for conviction in cases of accident, serious bodily injury, or death; conforming cross references; amending s. 327.352, F.S.; providing for notification that refusal to submit to a test of breath, blood, or urine under certain circumstances is a misdemeanor; amending s. 327.353, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; creating s. 327.359, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; creating s. 397.6755, F.S.; providing for evidence and criteria for involuntary admission and treatment; providing funding; amending s. 921.0022, F.S.; revising provisions relating to certain DUI offenses; including certain BUI offenses within the offense severity ranking chart; amending s. 938.07, F.S.; providing for application of a fee to persons found guilty of boating under the influence; conforming a cross reference; amending s. 943.05, F.S.; providing for adoption of rules and forms for making DUI arrests; providing an appropriation; providing an effective date.

—was referred to the Committees on Criminal Justice; and Appropriations.

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

CS for HB 1219—A bill to be entitled An act relating to health care; creating the "Patient Safety Improvement Act"; providing legislative intent and definitions; creating the Florida Patient Safety Center; providing for location and duties of the center; requiring identifying information in medical patient records to remain confidential as provided by law; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Education; Appropriations Subcommittee on Education; and Appropriations.

By the Committees on Education Appropriations; Colleges and Universities; and Representative Rubio and others—

CS for CS for HB 1275—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.4015, F.S., relating to the Florida Bright Futures Scholarship Testing Program; revising provisions relating to the use of specified examinations for purposes of awarding college credit; clarifying provisions relating to the award of credit; deleting obsolete provisions; revising provisions relating to payment for examinations; requiring the Department of Education to provide a financial incentive to students for passing examinations; authorizing Florida Gold Seal Vocational Scholars to take up to five approved examinations; requiring the department to contract for centralized administrative services; providing a limitation to the cost associated with contracting for centralized administrative services; providing for funding; amending s. 240.40202, F.S.; requiring a Florida Bright Futures Scholarship Evaluation Report and Key; requiring student report cards to contain certain information; amending s. 240.40203, F.S.; revising provisions relating to the maximum number of credit hours for which a student may receive a Florida Bright Futures Scholarship; requiring Florida Academic Scholars and Florida Merit Scholars award recipients to meet certain requirements in order to renew scholarships; amending s. 240.40207, F.S.; conforming provisions; providing an effective date.

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

By Representative Wilson and others—

HB 1289—A bill to be entitled An act relating to the testing of inmates for HIV; creating s. 945.355, F.S.; defining the term "HIV test"; requiring the Department of Corrections to perform an HIV test before an inmate is released if the inmate's HIV status is unknown; providing certain exceptions; requiring that the Department of Corrections notify the Department of Health and the county health department where the inmate plans to reside following release if the inmate is HIV positive; requiring the department to provide special transitional assistance to an inmate who is HIV positive; requiring the department to report to the Legislature; amending s. 945.10, F.S.; requiring that certain medical records be released to the Department of Health and the county health department where an inmate who is HIV positive plans to reside; reenacting s. 945.10(1)(a), F.S., relating to mental health, medical, or substance abuse records of an inmate; amending s. 381.004, F.S.; providing that informed consent is not required for an HIV test of an inmate prior to the inmate's release; amending s. 944.704, F.S.; providing additional duties for the department with respect to transition assistance for inmates who are HIV positive; limiting liability; providing an appropriation; providing an effective date.

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

By the Committee on Child and Family Security; and Representative Detert and others—

HB 1313—A bill to be entitled An act relating to the Department of Children and Family Services; creating s. 839.27, F.S.; providing defini-

tions; specifying unlawful acts relating to records of investigations of abuse of a child, elderly person, or disabled adult; providing penalties; requiring imposition of sentence for violations; providing for certain disposal or archiving of records; providing for certain correcting and updating of records; providing an effective date.

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

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

CS for HB 1447—A bill to be entitled An act relating to arrest without a warrant; amending s. 901.15, F.S.; authorizing a law enforcement officer to make an arrest without a warrant when there is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or certain other officers or has committed assault or battery upon any employee of a receiving facility; amending ss. 947.141, 947.22, F.S.; requiring a law enforcement officer to arrest an offender whom the officer has probable cause to believe has committed a felony while on release supervision or parole; providing that a warrant need not be issued in the case; providing an effective date.

—was referred to the Committee on Criminal Justice.

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

CS for HB 1511—A bill to be entitled An act relating to the communications services tax; amending s. 202.125, F.S.; providing definitions of religious or educational institutions to conform an exemption to the sales tax exemption provided for such institutions; creating s. 202.151, F.S.; clarifying the imposition of a use tax on certain purchases of communications services; authorizing the Department of Revenue to adopt rules; 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; 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 use of rights-of-way; providing definitions; authorizing certain counties or municipalities to levy an annual charge upon certain providers for using municipal rights-of-way; providing limitations; providing criteria; specifying application; 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, and 561.1105, F.S.; 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; requiring the Department of Revenue to submit a report of the accuracy of the 2001 revenue estimates of the state and local communications services taxes to the Governor, the President of the Senate, and the Speaker of the House of Representatives; repealing s. 212.05(1)(g), F.S., relating to a sales tax on certain substitute telecommunications equipment; providing effective dates.

—was referred to the Committees on Regulated Industries; Comprehensive Planning, Local and Military Affairs; and Finance and Taxation.

By Representative Byrd and others—

HB 1537—A bill to be entitled An act relating to taxation of communications services; amending s. 202.12, F.S.; providing for a schedule of taxation of the sales of certain satellite services and cable services; amending s. 202.125, F.S.; including cable service within an exemption from the communications services tax imposed by s. 202.12; amending s. 202.18, F.S.; revising the distribution of the tax on the sale of cable services, to conform; revising the distribution of the tax on the sale of direct-to-home satellite services, to conform; conforming references; amending s. 202.19, F.S.; conforming references; amending s. 212.20, F.S.; conforming references; providing effective dates.

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

By the Council for Smarter Government; and Representative Clarke—

CS for HB 1643—A bill to be entitled An act relating to transferring and reassigning divisions, functions, and responsibilities of the Department of Labor and Employment Security; providing for a type two transfer of the Division of Workers' Compensation to the Department of Insurance; providing for a type two transfer of workers' compensation medical services to the Agency for Health Care Administration; providing for a type two transfer of workers' compensation rehabilitation and reemployment services to the Department of Education; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for comparable pay grades for the transferred positions; authorizing the Department of Insurance to reclassify and reorganize positions within the department and establish regional offices; authorizing the Department of Insurance to enter into contracts; providing for existing contracts to be subject to review and cancellation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing for the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation by a type two transfer; providing for the transfer of the Office of Information Systems to the State Technology Office by a type two transfer; requiring the State Technology Office and the Department of Insurance to determine whether it is feasible to transfer ownership of the Workers' Compensation Integrated System to the Department of Insurance; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of the act; amending s. 20.13, F.S.; establishing the Division of Workers' Compensation within the Department of Insurance; amending s. 20.50, F.S.; revising provisions relating to the Agency for Workforce Innovation to conform; revising responsibilities of certain offices within the agency; specifying that the Unemployment Appeals Commission is not subject to the agency; amending ss. 110.205, 112.19, 112.191, 121.125, 122.03, 238.06, and 440.015, F.S., to conform; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation; amending ss. 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.104, 440.105, 440.106, 440.107, 440.108, 440.12, and 440.125, F.S.; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; conforming agency references to reflect the transfer of the Division of Workers' Compensation; amending ss. 440.134 and 440.14, F.S.; conforming provisions to changes made by the act; amending s. 440.15, F.S.; providing for the agency to specify certain forms and procedures governing wage loss and impairment benefits; conforming a cross reference; amending ss. 440.185, 440.191, 440.192, and 440.1925, F.S.; conforming provisions to changes made by the act; amending ss. 440.20, 440.207, and 440.211, F.S., relating to payment of compensation; conforming provisions to changes made by the act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending ss. 440.25 and 440.271, F.S., relating to mediation, hearings, and appeals; conforming provisions to

changes made by the act; amending ss. 440.345 and 440.35, F.S., relating to the reporting of attorney's fees and employer records of injury or death; conforming provisions to changes made by the act; amending s. 440.381, F.S., relating to audits of payroll and classifications; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending ss. 440.40, 440.41, and 440.42, F.S., relating to employers posting notice of compensation, substitution of carriers for employers with respect to notice and the effect of an order, and expiration of insurance policies, to conform; amending s. 440.44, F.S., relating to the administration of the Workers' Compensation Law; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending s. 440.45, F.S., relating to the Office of the Judges of Compensation Claims; clarifying the responsibilities of the director of the Division of Administrative Hearings as agency head of the Office of the Judges of Compensation Claims; amending s. 440.49, F.S., relating to the Special Disability Trust Fund; conforming provisions to reflect the transfer of the Division of Workers' Compensation; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending s. 440.491, F.S., relating to the reemployment of injured workers; conforming provisions to the transfer of rehabilitation and reemployment services to the Department of Education; amending ss. 440.50, 440.51, and 440.52, F.S., relating to the Workers' Compensation Administration Trust Fund, expenses of administration, and certain responsibilities of insurance carriers; conforming references to reflect the transfer of the Division of Workers' Compensation; amending s. 440.525, F.S., relating to the examination of carriers; conforming agency references to the transfer of programs from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.572, F.S., to conform; amending s. 440.59, F.S., relating to division reporting requirements; eliminating unnecessary reporting requirements; amending ss. 440.591 and 440.593, F.S., relating to authorization to self-insure, reporting requirements, and rulemaking authority; conforming provisions to changes made by the act; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Agency for Workforce Innovation rather than the Department of Labor and Employment Security; conforming provisions; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 447.305, F.S.; providing that notification of registrations and renewals of registration shall be furnished to the Department of Business and Professional Regulation, to conform; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; amending s. 624.3161, F.S., relating to insurance market conduct examinations; conforming provisions to changes made by the act; amending s. 626.88, F.S., relating to self-insurance definitions; conforming provisions to changes made by the act; amending s. 626.989, F.S., relating to Division of Insurance Fraud reporting requirements; conforming provisions to changes made by the act and establishing reporting deadlines; amending s. 627.0915, F.S.; conforming departmental references to changes made by the act; amending s. 627.914, F.S., relating to reporting requirements by self-insurers; conforming provisions to changes made by the act; repealing s. 20.171, F.S., relating to the establishment and the authority and organizational structure of the Department of Labor and Employment Security; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; providing for severability; providing effective dates.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Smarter Government; the Committee on State Administration; and Representative Brummer and others—

CS for HB 1673—A bill to be entitled An act relating to a public records exemption for social security numbers; creating s. 119.072, F.S.; creating an exemption from public records requirements for all social security numbers held by an agency or its agents, employees, or contractors; providing exceptions to the exemption; providing conditions under which social security numbers may be provided to a commercial entity; providing for civil and criminal penalties; providing requirements and restrictions with respect to collection and disclosure of social security numbers by an agency; providing for review of social security numbers collected prior to the effective date of the exemption; restricting the release of social security numbers contained in official records; providing certain notice requirements and requiring publication of notice by county recorders; requiring annual agency reports; providing for future review and repeal; providing retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; and Rules and Calendar.

By the Council for Smarter Government; the Committee on State Administration; and Representative Brummer—

CS for HB 1679—A bill to be entitled An act relating to public records; creating the Study Committee on Public Records; providing for membership and organization of the committee; providing purpose, duties, and responsibilities of the committee; requiring a report; providing for expiration of the committee; amending s. 28.2221, F.S., relating to electronic access to official records; revising declared state purpose with respect to such access; providing limitations with respect to a specified Internet index of documents; providing that county recorders may not place images or copies of specified public records on a publicly available Internet website for general public display; requiring that such records placed on the Internet prior to the effective date of the act be removed upon request; providing certain notice requirements and requiring publication of notice by county recorders and clerks of the court; providing that affected persons may petition the court for an order of compliance; requiring clerks of court to provide for electronic retrieval of images of certain documents by a specified date; providing an appropriation; providing an effective date.

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

By the Committee on Judicial Oversight; and Representative Crow and others—

HB 1689—A bill to be entitled An act relating to the administrative establishment of child support; 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 for statewide application of the procedures established under the pilot program; 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; requiring an evaluation of the administrative process for establishing child-support obligations; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation of the statewide implementation of the administrative processes for child support; requiring a report by January 31, 2005; providing legislative intent regarding support for administrative child-support process; directing the Department of Revenue to study the feasibility of an administrative process for the establishment of paternity in Title IV cases; providing an effective date.

—was referred to the Committees on Children and Families; and Appropriations.

By the Fiscal Responsibility Council; and Representative Barreiro—

CS for HB 1781—A bill to be entitled An act relating to off-highway vehicles; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act; providing legislative findings and intent; providing definitions; creating the Off-Highway Vehicle Recreation Advisory Committee effective July 1, 2003; providing membership, duties, and responsibilities of the committee; providing functions, duties, and responsibilities of the Department of Agriculture and Consumer Services; requiring the department to review certain public lands and make a report to the Governor and the Legislature; providing rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing a penalty; providing for the use of designated off-highway vehicle funds within the Incidental Trust Fund of the Division of Forestry of the department; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; providing exceptions; creating the Florida Off-Highway Vehicle Titling Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; providing for fees; providing for disposition of fees; providing authority to refuse to issue and to cancel a certificate of title; providing crimes relating to certificates of title; providing penalties; providing noncriminal infractions; providing penalties; amending s. 375.313, F.S.; deleting fee collection responsibility of the Fish and Wildlife Conservation Commission for registration of off-road vehicles; repealing s. 375.315, F.S., relating to the registration of off-road vehicles by the commission; providing an effective date.

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

By Representative Lynn and others—

HB 1821—A bill to be entitled An act relating to children and families; creating s. 39.320, F.S.; providing 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 of the commission; repealing ss. 383.0112, 383.0113, and 383.0114, F.S., relating to the Commission on Responsible Fatherhood and community-based programs to encourage responsible fatherhood; 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 Fiscal Policy and Resources; and Representative Wallace—

HB 1977—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, and 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 and 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; 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, and 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; amending s. 287.095, F.S.; providing requirements for certain products produced by a certain corporation; providing an exception; repealing s. 287.121, F.S., relating to assistance by the Department of Legal Affairs; amending ss. 287.133 and 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 and 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. 413.033, F.S.; revising a definition; amending s. 413.035, F.S.; providing content requirements for certain products; 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; limiting purchases of products or services by state agencies from sources other than the nonprofit agency for the blind or severely handicapped under certain circumstances; amending s. 413.037, F.S., to conform; repealing s. 413.034, F.S., relating to the Commission for Purchase from the Blind or Other Severely Handicapped; providing an effective date.

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

By the Council for Healthy Communities; and Representative Fasano—

HB 2003—A bill to be entitled An act relating to the confidentiality of information relating to the not-for-profit corporation which governs and operates the Florida Alzheimer's Center and Research Institute or its subsidiaries; providing exemptions from the public records and meetings provisions of the Florida Constitution and Florida law for certain records and meetings of the not-for-profit corporation governing and operating the Florida Alzheimer's Center and Research Institute and of certain records and meetings of subsidiaries of such not-for-profit corporation; providing a statement of public necessity for such exemptions; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Fasano—

HB 1575—A bill to be entitled An act relating to the Florida Retirement System; creating s. 121.4503, F.S.; creating the Florida Retirement System Contributions Clearing Trust Fund, to be administered by the Department of Management Services as a retirement clearing trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; providing an effective date.

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

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1997—A bill to be entitled An act relating to trust funds; creating the Workers' Compensation Administration Trust Fund within the Department of Education; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Fiscal Responsibility Council; and Representative Johnson—

HB 1999—A bill to be entitled An act relating to trust funds; creating the Workers' Compensation Administration Trust Fund within the Department of Business and Professional Regulation; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Economic Opportunities; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

RETURNING MESSAGES—FINAL ACTION

The Honorable John M, McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 408, CS for SB 434, SB 496, SB 528, CS for SB 678, CS for SB 688, SB 954, SB 962, CS for SB 1058, CS for SB 1066, CS for SB 1178, CS for SB 1268, CS for SB 1550, CS for CS for SB 1974, CS for SB 1994, SB 2054, SB 2094, CS for SB 2102, CS for SB 2178, and CS for SB 2252.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 19 was corrected and approved.

CO-SPONSORS

Senators Burt—CS for SB 1504; Cowin—SB 1164, CS for SB 1618, SB 2274; Meek—SB 2274; Miller—CS for CS for SB 370, CS for SB 1618

RECESS

On motion by Senator Lee, the Senate recessed at 10:46 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, March 21 or upon call of the President.