



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President King at 3:40 p.m. A quorum present—35:

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Saunders
Bennett	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	Klein	Smith
Clary	Lawson	Villalobos
Constantine	Lee	Wasserman Schultz
Crist	Lynn	Webster
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Excused: Senators Atwater, Cowin, Haridopolos, Wilson

PRAYER

The following prayer was offered by Senator Geller:

Thank you, Lord, for the opportunity which you have given us to represent Florida's citizens in Tallahassee. "Of those to whom much is given, much is expected." We recognize the heavy burden that this places upon us, as we strive to represent all of Florida's citizens regardless of race, religion, national origin, or party affiliation.

Lord, we appreciate the fellowship of our fellow Senators, but wish that we were not sharing this fellowship quite as much as we will be sharing it this spring and summer. Our families would like to see us as well.

And Lord, as we become involved in difficult issues and difficult times, let us remember not to be difficult with each other. We pray that we not be forced to escape to Oklahoma or Georgia.

We pray that our work in Tallahassee be pleasing in your sight, and that our work carry out your will.

May the words of my mouth and the meditation of my heart be acceptable to you, O Lord, my rock and my redeemer. Amen.

PLEDGE

Senator Klein led the Senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Committee on Appropriations—

SB 2-A—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred by the Committee on Appropriations.

By the Committee on Appropriations—

SB 4-A—A bill to be entitled An act implementing the 2003-2004 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2003-2004 fiscal year; amending s. 1011.71, F.S.; allowing school boards to make payments toward the cost of school buses owned by certain student transportation contract providers; providing requirements; amending s. 1011.71, F.S.; permitting school districts to pay for property and casualty insurance from specified funds; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; authorizing the Department of Children and Family Services to enter into a contract to finance, design, construct, and operate the South Florida Evaluation and Treatment Center; providing for an extended contract period; authorizing financing for the project; amending s. 381.0066, F.S.; continuing the additional fee on new construction permits for onsite sewage treatment and disposal systems the proceeds of which are used for system research, demonstration, and training projects; amending s. 385.207, F.S.; authorizing appropriation of funds in the Epilepsy Services Trust Fund for epilepsy case management services; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budgets and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 985.4075, F.S.; prohibiting the use of juvenile justice appropriations made for operations as one-time startup funding for fixed capital outlay; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 468.404, F.S.; requiring talent agency license fees equal to

costs of regulation; amending s. 376.3071, F.S.; permitting the transfer of moneys from the Inland Protection Trust Fund to the Water Quality Assurance Trust Fund; amending s. 378.035, F.S.; permitting expenditure of moneys appropriated for abatement of imminent hazards caused by, and for closure of, abandoned phosphogypsum stacks; amending s. 215.96, F.S.; requiring the Financial Management Information Board to provide certain policies, procedures, and processes for integration of central administrative and financial information systems; requiring a task force; specifying membership and responsibilities; requiring recommendations on specific information systems and projects; amending s. 601.15, F.S.; permitting the Florida Citrus Commission to reduce certain statutory citrus tax rates by majority vote; amending s. 372.561, F.S.; permitting counties to retain certain hunting and fishing fees until the Fish and Wildlife Conservation Commission implements an automated licensing system; amending s. 376.86, F.S.; revising certain restrictions on investing funds maintained in the Nonmandatory Land Reclamation Trust Fund; providing for a schedule for legislative review of the Brownfield Areas Loan Guarantee Program; providing for future repeal or expiration; authorizing a specific exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and the City of Lakeland, various statutory provisions notwithstanding; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including the use of certain funds as state matching funds for federally approved Hazard Mitigation Grant Program projects; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program by the Agency for Workforce Innovation; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 288.063, F.S.; providing for funds for certain transportation projects approved by the Office of Tourism, Trade, and Economic Development to be subject to reversion; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; transferring \$200 million from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 445.048, F.S.; continuing and expanding the Passport to Economic Progress demonstration project; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information by the Agency for Workforce Innovation; providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility; requiring the Chief Financial Officer to report on costs of court-related services provided by the counties; providing specific requirements; providing for reimbursement of certain expenses; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing for the effect of a veto of a specific appropriation or proviso to which implementing provisions refer; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2003-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing for severability; providing for retroactive application; providing effective dates.

—was referred to the Committee on Appropriations.

Senate Bills **6-A-30-A** were previously referenced.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Alexander—

SB 32-A—A bill to be entitled An act relating to motor vehicle insurance costs; providing a short title; providing legislative findings and purpose; amending s. 119.105, F.S.; prohibiting disclosure of confidential police reports for purposes of commercial solicitation; amending s. 316.066, F.S.; requiring the filing of a sworn statement as a condition to accessing a crash report stating the report will not be used for commercial solicitation; providing a penalty; creating part XIII of ch. 400, F.S., entitled the Health Care Clinic Act; providing for definitions and exclusions; providing for the licensure, inspection, and regulation of health care clinics by the Agency for Health Care Administration; requiring licensure and background screening; providing for clinic inspections; providing rulemaking authority; providing licensure fees; providing fines and penalties for operating an unlicensed clinic; providing for clinic responsibilities with respect to personnel and operations; providing accreditation requirements; providing for injunctive proceedings and agency actions; providing administrative penalties; amending s. 456.0375, F.S.; excluding certain entities from clinic registration requirements; providing retroactive application; amending s. 456.072, F.S.; providing that making a claim with respect to personal injury protection which is upcoded or which is submitted for payment of services not rendered constitutes grounds for disciplinary action; amending s. 626.7451, F.S.; providing a per-policy fee to be remitted to the insurer's Special Investigations Unit, the Division of Insurance Fraud of the Department of Financial Services, and the Office of Statewide Prosecution for purposes of preventing, detecting, and prosecuting motor vehicle insurance fraud; amending s. 627.732, F.S.; providing definitions; providing that benefits are void if fraud is committed; providing for award of attorney's fees in actions to recover benefits; providing that consideration shall be given to certain factors regarding the reasonableness of charges; specifying claims or charges that an insurer is not required to pay; requiring the Department of Health, in consultation with medical boards, to identify certain diagnostic tests as non-compensable; specifying effective dates; deleting certain provisions governing arbitration; providing for compliance with billing procedures; requiring certain providers to require an insured to sign a disclosure form; prohibiting insurers from authorizing physicians to change opinion in reports; providing requirements for physicians with respect to maintaining such reports; limiting the application of contingency risk multipliers for awards of attorney's fees; expanding provisions providing for a demand letter; authorizing the Financial Services Commission to determine cost savings under personal injury protection benefits under specified conditions; allowing a person who elects a deductible or modified coverage to claim the amount deducted from a person legally responsible; amending s. 627.739, F.S.; specifying application of a deductible amount; amending s. 817.234, F.S.; providing that it is a material omission and insurance fraud for a physician or other provider to waive a deductible or copayment or not collect the total amount of a charge; increasing the penalties for certain acts of solicitation of accident victims; providing mandatory minimum penalties; prohibiting certain solicitation of accident victims; providing penalties; prohibiting a person from participating in an intentional motor vehicle accident for the purpose of making motor vehicle tort claims; providing penalties, including mandatory minimum penalties; amending s. 817.236, F.S.; increasing penalties for false and fraudulent motor vehicle insurance application; creating s. 817.2361, F.S.; prohibiting the creation or use of false or fraudulent motor vehicle insurance cards; providing penalties; amending s. 921.0022, F.S.; revising the offense severity ranking chart of the Criminal Punishment Code to reflect changes in penalties and the creation of additional offenses under the act; providing legislative intent with respect to the retroactive application of certain provisions; repealing s. 456.0375, F.S., relating to the regulation of clinics by the Department of Health; requiring certain insurers to make a rate filing to conform the per-policy fee to the requirements of the act; specifying the application of any increase in benefits approved by the Financial Services Commission; providing for application of other provisions of the act; requiring reports; providing an appropriation and authorizing additional positions; repealing of ss. 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., relating to the Florida Motor Vehicle No-Fault Law, unless reenacted by the 2005 Regular Session, and specifying certain effect; authorizing insurers to include in policies a notice of termination relating to such repeal; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

—was referred to the Committee on Banking and Insurance.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Smith—

SB 34-A—A bill to be entitled An act relating to the judicial system; amending s. 25.073, F.S.; revising a definition for purposes of retired justices or judges assigned to temporary duty; amending s. 25.383, F.S.; removing provisions relating to fees for certification and renewal of certification of court reporters; amending s. 25.384, F.S.; expanding the use of the Court Education Trust Fund; revising the title of pt. I, ch. 27, F.S.; renumbering and amending s. 43.35, F.S.; requiring witness coordination to be provided by the state attorneys and public defenders; amending s. 27.02, F.S.; restricting duties of state attorneys before circuit and county courts; requiring the state attorney to provide discovery materials to a defendant; providing for fees; amending s. 27.04, F.S.; revising provisions relating to summoning and examining witnesses for the state to cover any violation of the law; amending s. 27.15, F.S.; providing for payment of expenses for a state attorney to assist in another circuit; amending s. 27.25, F.S.; providing that state attorneys may employ personnel and receive appropriations as authorized by the General Appropriations Act; amending s. 27.34, F.S.; prohibiting counties or municipalities from funding the state attorneys' offices for prosecution of violations of special laws or ordinances; eliminating provisions authorizing the use of funds for certain civil and criminal proceedings; eliminating provisions requiring counties to provide certain services and pay certain fees, expenses, and costs incurred by the state attorney; amending s. 27.35, F.S.; providing that salaries of state attorneys shall be provided in the General Appropriations Act; revising the title of pt. III, ch. 27, F.S.; creating s. 27.40, F.S.; providing requirements for court-appointed counsel; providing for circuit registries of private attorneys; requiring annual fees; specifying inapplicability to court-appointed counsel in postconviction capital collateral cases; creating s. 27.42, F.S.; providing for the composition, staff, responsibilities, and funding of circuit Article V indigent services committees; requiring the preparation and distribution of a statewide comparative budget report relating to circuit Article V indigent services committees by the Justice Administrative Commission; providing for the appropriation of funds for attorney's fees and expenses in criminal conflict cases and in child dependency cases and other court-appointed counsel cases; amending s. 27.51, F.S.; revising duties of the public defender; specifying additional indigent persons for whom the public defender is required to secure representation; deleting provisions relating to limitations on representation by public defenders in direct appeals of death penalty cases; amending s. 27.52, F.S.; revising provisions relating to determination of indigence; requiring the clerk of the circuit court to make such determination; providing for payment of application fees; providing for deposit of recovered amounts into the General Revenue Fund; providing for a payment program; amending s. 27.53, F.S.; revising method of funding offices of public defender; specifying that special assistant public defenders are volunteer attorneys; amending s. 27.5301, F.S.; revising method of paying salaries of public defenders; creating s. 27.5303, F.S.; providing requirements for appointment of counsel in conflict of interest of public defender; providing criteria for determining whether a conflict of interest exists; prohibiting withdrawal based solely on lack of funding or excess workload; creating s. 27.5304, F.S.; providing for compensation of private court-appointed counsel; amending s. 27.54, F.S.; prohibiting counties or municipalities from funding the public defenders' offices for prosecution of violations of special laws or ordinances; eliminating provisions requiring counties to provide certain services and pay certain fees, expenses, and costs incurred by the public defender; amending s. 27.562, F.S.; providing for disposition of funds collected for legal assistance; amending s. 27.58, F.S.; revising provisions relating to administration of public defender services; amending s. 27.702, F.S.; conforming terminology; amending s. 28.101, F.S.; authorizing an increase in the service charge for filing for dissolution of marriage; renumbering and amending s. 43.195, F.S.; authorizing a clerk to dispose of items of physical evidence in cases where no collateral attack is pending; creating s. 28.215, F.S.; providing for pro se assistance; amending s. 28.24, F.S.; prohibiting the clerk of the court from charging court officials for copies of public records; modifying the service charges for services rendered by the clerk of the court in recording documents and instruments and in performing certain other duties; eliminating the charges for court attendance by each clerk or deputy clerk, court minutes, making and reporting payrolls of jurors, issuing jury summons, and paying witnesses and making and

reporting payrolls; amending s. 28.2401, F.S.; authorizing an increase in various service charges for probate matters; prohibiting county governing authorities from imposing additional charges; creating s. 28.2402, F.S.; imposing a fee on a county or municipality for filing a municipal code or ordinance violation in court; amending s. 28.241, F.S.; authorizing an increase in the fee for filing a civil action in circuit court; requiring that a portion of the fee be remitted to the Clerk of Court Operations Conference; providing a filing fee for reopening a civil action, suit, or proceeding; providing for a reduction in that fee for a petition to modify a final judgment of dissolution; authorizing increases in other filing fees; deleting provisions authorizing a county to assess amounts in excess of specified service charges; prohibiting additional fees, charges, or costs; amending s. 28.245, F.S.; requiring electronic transmittal of funds collected by the clerks of court to the Department of Revenue; creating s. 28.246, F.S.; providing requirements for payment of court-related fees, charges, and costs; providing for collection by private attorney or collection agent; creating s. 28.345, F.S.; exempting state attorneys and public defenders from all fees and charges of the clerks of the circuit courts; creating s. 28.35, F.S.; establishing the Clerk of Court Operations Conference; providing membership; providing duties of the conference, including recommending changes in court-related fines, fees, service charges, and cost schedules to the Legislature, establishing a process for review and approval of proposed budgets submitted by the clerks of the court, certification of budget insufficiencies, and publication of a schedule of maximum fines, fees, service charges, and costs that may be charged; providing for a clerk education program; requiring maintenance of a public depository to receive funds for operations; requiring an annual financial audit; creating s. 28.36, F.S.; providing budget review and approval procedures for the court-related functions of the clerks of the courts; creating s. 28.37, F.S.; providing for certain revenues collected by the clerks to be remitted to the state to pay certain costs of the state courts system; requiring the Department of Revenue to adopt rules; amending s. 29.001, F.S.; defining the elements of the state courts system; providing for using state revenue to pay certain costs associated with those elements; specifying expenses that counties must pay; amending s. 29.004, F.S.; revising and expanding the list of elements of the state courts system to be provided from state revenues appropriated by general law; amending s. 29.005, F.S.; revising and expanding the list of elements of state attorneys' offices to be provided from state revenues appropriated by general law; amending s. 29.006, F.S.; revising and expanding the list of elements of public defenders' offices to be provided from state revenues appropriated by general law; amending s. 29.007, F.S.; revising and expanding the list of elements of court-appointed counsel to be provided from state revenues appropriated by general law; amending s. 24, ch. 2000-237, Laws of Florida, to delay the effective date of s. 29.008, F.S.; amending s. 29.008, F.S., relating to county funding of court-related functions; redefining terms; providing standards that facilities and communications systems and services must meet to qualify for funding; requiring that the integrated computer system be made capable of electronically exchanging certain data using specified means at certain levels by a specific date; providing for defining local requirements and adopting a budget therefor; creating s. 29.0085, F.S.; modifying county revenue and expenditure reporting requirements; creating s. 29.014, F.S.; creating the Article V Indigent Services Advisory Board; providing for appointment of members and terms; providing for organization; providing duties; creating ss. 29.015 and 29.016, F.S.; establishing contingency funds for the Justice Administrative Commission and the judicial branch to alleviate deficits in due process services appropriation categories; providing requirements for utilization of the funds; amending s. 34.032, F.S.; providing for funding of arrest warrants for violation of county or municipal ordinances; amending s. 34.041, F.S.; providing for filing fees and costs in county courts; providing for disposition of funds collected; amending s. 34.13, F.S.; requiring administration of oaths relating to violation of a municipal ordinance to be at municipal expense; amending s. 34.171, F.S.; requiring county funding of bailiff salaries; amending s. 34.181, F.S., relating to branch courts; providing a cross-reference; amending s. 34.191, F.S.; providing for collection and distribution of fines and forfeitures; amending s. 39.0134, F.S.; providing for compensation of appointed counsel in dependency proceedings; amending s. 39.4075, F.S.; requiring parties to contribute to the cost of dependency mediation; amending s. 39.815, F.S.; revising a cross-reference; creating s. 40.001, F.S.; providing authority and duties of the chief judge; amending s. 40.02, F.S., relating to selection of jury lists; providing for performance of and payment for such duties; amending s. 40.29, F.S.; revising provisions relating to duty of clerks of court to make estimates and requisitions for certain due process costs; amending s. 40.30, F.S.; requiring the estimate and requisition for payment of jurors and witnesses to be endorsed by the Justice Administrative Commission

or designee; updating terminology; amending s. 43.16, F.S.; removing reference to Justice Administrative Commission as part of the judicial branch; expanding duties of the commission relating to court-appointed counsel; amending s. 43.26, F.S.; redesignating the presiding judge of the circuit as the chief judge of the circuit; providing additional powers of the chief judge; amending s. 44.108, F.S.; deleting provisions authorizing a county to levy service charges for court mediation and arbitration; assessing a filing fee on court proceedings; depositing fees in the Mediation and Arbitration Trust Fund; amending s. 49.10, F.S.; removing a cross-reference; amending s. 55.10, F.S.; authorizing an increase in the fee for serving a certificate of lien; amending s. 55.141, F.S.; conforming a cross-reference; amending s. 55.505, F.S.; authorizing an increase in the service charge for recording a foreign judgment; amending s. 57.081, F.S.; revising provisions relating to costs and services provided to indigent persons; amending s. 57.085, F.S.; revising provisions relating to waiver of prepayment of court costs and fees for indigent prisoners; amending s. 61.14, F.S.; authorizing an increase in certain fees assessed for delinquency of child support and alimony; amending s. 61.181, F.S.; continuing the fee imposed on certain payments of alimony and child support; amending s. 61.21, F.S.; providing for authorization of parenting course by the Department of Children and Family Services; amending s. 77.28, F.S.; conforming a cross-reference; amending s. 92.153, F.S.; providing maximum charges for documents produced pursuant to subpoenas or records request issued by the state attorney or the public defender; amending s. 92.231, F.S.; providing for payment of expert witness fees; renumbering and amending s. 914.09, F.S.; providing for compensation of witnesses summoned in two or more criminal cases; amending s. 125.69, F.S.; providing funding requirements with respect to prosecution of violations of county ordinances; amending s. 142.01, F.S.; providing for the clerk of the court to establish a fine and forfeiture fund in each county to be used to pay the costs of court-related functions; deleting provisions authorizing counties to receive funds to pay the cost of criminal prosecutions and transfer excess funds to the county general fund; amending s. 142.02, F.S.; limiting the use of county funds from a levy of a special tax to pay for the cost of criminal prosecutions; amending s. 142.03, F.S.; requiring that fines and forfeitures be used to pay the costs of court-related functions; amending s. 142.15, F.S.; requiring that fees collected by the sheriff be remitted to the clerk in the county where the crime was alleged to have been committed; amending s. 142.16, F.S.; requiring that fines and forfeitures be remitted to the clerk in the county in which the case was adjudicated; amending s. 145.022; prohibiting a county from appropriating a salary to the clerk of the court based on the fees collected; creating s. 162.30, F.S.; providing for civil actions to enforce county and municipal ordinances; amending ss. 197.532, 197.542, and 197.582, F.S.; conforming cross-references; amending s. 212.055, F.S.; revising the definition of "infrastructure" for purposes of the local government infrastructure surtax; amending s. 212.20, F.S.; revising the distribution of the proceeds from certain local-option taxes; amending s. 218.21, F.S.; revising the guaranteed entitlement of municipalities to certain state revenue sharing; amending s. 218.25, F.S.; allowing a county to assign, pledge, or set aside certain funds as a trust for payment on indebtedness; amending s. 218.35, F.S.; revising requirements for budget preparation by the clerk of the circuit court as county fee officer; amending s. 318.15, F.S.; authorizing an increase in various fees for persons failing to comply with civil penalties, attend driver improvement school, or appear at a hearing; amending s. 318.18, F.S.; authorizing an increase in various fees for penalties for noncriminal dispositions; creating additional charges and fees to be paid to the clerk of the court; authorizing an increase in the fee to dismiss citations; providing for disposition of funds collected; amending s. 318.21, F.S.; revising disposition of civil penalties collected by county courts; amending s. 318.325, F.S.; specifying jurisdiction and procedure for parking infractions; amending s. 322.245, F.S.; authorizing an increase in the delinquency fee for persons charged with specified criminal offenses who fail to comply with the directives of the court; amending s. 327.73, F.S.; authorizing an increase in the charge for court costs for failure to comply with the court's requirements or failure to pay specified civil penalties; amending s. 382.023, F.S.; authorizing an increase in the fee for dissolution of marriage; revising the portion to be retained by the circuit court and the portion remitted to the state, to conform; amending ss. 392.55, 392.56, and 394.473, F.S.; conforming terminology; amending s. 395.3025, F.S.; conforming cross-references; amending s. 397.334, F.S.; making treatment-based drug court programs a county option and providing county funding requirements; amending s. 712.06, F.S.; conforming cross-references; amending s. 713.24, F.S.; authorizing an increase in the fee for certain services performed by the clerk of the court in transferring liens; amending s. 721.83, F.S.; requiring filing fees and service charges to be paid separately for each defendant in a consolidated foreclosure

action; amending s. 741.30, F.S., relating to domestic violence; providing for certain notice to petitioners relating to indigence; amending s. 744.3135, F.S.; authorizing an increase in the fee paid to the clerk of the court for processing guardian files; amending s. 744.365, F.S.; authorizing an increase in the fee paid to the clerk of the court for an inventory filed by a guardian; deleting provisions requiring that the county pay the auditing fee when such fee is waived by the court; amending s. 744.3678, F.S.; authorizing an increase in the fees paid by the guardian to the clerk of the court for filing an annual financial return; prohibiting the clerk of the circuit court from billing the county for a waived fee; amending s. 775.083, F.S.; deleting provisions authorizing counties to impose and collect additional fines to be used to pay for local crime prevention programs; providing for the disposition of fines and costs; requiring funding of crime prevention programs in counties; amending s. 796.07, F.S.; conforming a reference; amending s. 914.11, F.S.; requiring the state to pay certain costs and expenses of indigent defendants presently unable to pay; amending s. 916.107, F.S.; providing for right to treatment of forensic clients presently unable to pay; amending s. 916.15, F.S., relating to involuntary commitment of defendant adjudicated not guilty by reason of insanity; providing for representation by the public defender if the defendant is indigent; amending s. 938.01, F.S., relating to Additional Court Cost Clearing Trust Fund; requiring payment of court costs; amending s. 938.03, F.S., relating to Crimes Compensation Trust Fund; requiring payment of additional court costs; amending s. 938.05, F.S.; directing court costs to be deposited in the clerk of the courts fine and forfeiture fund instead of the county trust fund; amending s. 938.06, F.S.; removing a restriction on local liability for payment of costs for crime stoppers programs; amending s. 938.19, F.S.; authorizing counties to fund teen courts; amending s. 938.27, F.S.; revising provisions relating to judgment for costs on conviction; requiring payment of such costs; amending s. 938.29, F.S.; providing payment requirements for certain legal assistance; providing requirements for deposit and use of funds collected for attorney's fees and costs; amending s. 938.30, F.S.; specifying financial obligations in criminal cases; amending s. 938.35, F.S.; revising provisions for collection of court-related financial obligations; amending s. 939.06, F.S., relating to acquitted defendant not liable for costs; removing county obligation to pay; amending s. 939.08, F.S.; revising requirements relating to certification of costs of the state courts system; amending s. 939.12, F.S.; providing for payment of costs against state in Supreme Court; reenacting s. 943.053, F.S., relating to the dissemination of criminal justice information, to incorporate the amendments to ss. 27.51 and 27.53, F.S.; amending s. 947.18, F.S.; conforming a reference; amending s. 948.03, F.S.; conforming a cross-reference; amending s. 960.001, F.S.; conforming references; amending s. 984.08, F.S.; conforming terminology; amending s. 985.203, F.S., relating to right to counsel; providing for imposition of costs of representation; amending ss. 985.215, 985.231, and 985.233, F.S.; conforming terminology; providing for a review of the Florida Accounting Information Resource subsystem and the Uniform Accounting System Manual with respect to Article V funding; requiring implementation of necessary revisions; providing for a study of county expenditures for court-related services; providing requirements; providing for reimbursement of travel costs; requiring a report; requiring a report on costs of court-related services provided by the counties; providing specific requirements; providing for reimbursement of certain expenses; providing an appropriation; providing a statement of important state interest; providing that the transfer of the funding responsibility for the state courts system shall not affect the validity of any judicial or administrative proceeding pending on the day of the transfer; providing that the entity providing appropriations on and after July 1, 2004, shall be considered the successor in interest to any existing contracts, but is not responsible for funding or payment of any service rendered or provided prior to July 1, 2004; authorizing judicial acts to be taken or performed on any day of the week, including Sundays and holidays; authorizing surplus funds for teen courts to be used for juvenile drug courts; repealing certain services charges and fees imposed by counties prior to June 30, 2004; requiring each clerk of the court to submit to the Legislature a report identifying court-related functions and associated costs for county fiscal year 2003-2004; requiring each clerk of the court to notify the Clerk of Court Operations Conference of the schedule of court-related fees, service charges, and costs to be put into effect July 1, 2004; requiring the conference to submit such information to the Legislature; repealing s. 25.402, F.S., relating to the County Article V Trust Fund; repealing s. 27.005, F.S., relating to definitions applicable to state attorneys and public defenders; repealing s. 27.006, F.S., relating to court reporting services; repealing s. 27.271, F.S., relating to per diem and mileage for state attorneys and assistant state attorneys; repealing s. 27.33, F.S., relating to state attorney submission of annual budget; repealing s. 27.3455, F.S.,

relating to annual statement of court-related revenues and expenditures; repealing s. 27.36, F.S., relating to the Office of Prosecution Coordination; repealing s. 27.385, F.S., relating to state attorney budget expenditures and expenditure reports; repealing s. 27.605, F.S., relating to public defender budget expenditures and expenditure reports; repealing s. 29.002, F.S., relating to the basis for funding the state courts system; repealing s. 29.003, F.S., relating to the phase-in schedule for court funding; repealing s. 29.009, F.S., relating to the contingency fund for criminal-related costs of counties; repealing s. 29.011, F.S., relating to conflict counsel pilot projects; repealing s. 34.201, F.S., relating to the County Article V Trust Fund; repealing s. 43.28, F.S., relating to county provision of court facilities; repealing s. 50.071, F.S., relating to court docket funds; repealing s. 57.091, F.S., relating to costs refunded to counties in certain proceedings relating to state prisoners; repealing s. 218.325, F.S., relating to the uniform chart of accounts and financial reporting for court and justice system costs and revenues; repealing s. 914.06, F.S., relating to compensation of expert witnesses in criminal cases; repealing s. 925.035, F.S., relating to appointment and compensation of an attorney in capital cases and appeals from judgments imposing the death penalty; repealing s. 925.036, F.S., relating to compensation of appointed counsel and prohibition against reassignment or subcontracting of case to another attorney; repealing s. 925.037, F.S., relating to reimbursement of counties for fees paid to appointed counsel and circuit conflict committees; repealing s. 939.05, F.S., relating to discharge of insolvent defendant without payment of costs; repealing s. 939.07, F.S., relating to payment of defendant's witnesses; repealing s. 939.10, F.S., relating to duty of board of county commissioners to verify mileage and actual and necessary services and expenses; repealing s. 939.15, F.S., relating to costs paid by counties in cases of insolvency; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing effective dates.

—was referred to the Committee on Judiciary.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Constantine—

SB 36-A—A bill to be entitled An act relating to state universities; creating s. 1001.70, F.S.; establishing the Board of Governors; providing membership and terms of office; amending s. 1001.71, F.S.; revising membership of university boards of trustees and terms of office; amending s. 1009.24, F.S.; authorizing a nonrefundable admissions deposit; creating 1012.975, F.S.; defining the terms "cash-equivalent compensation," "public funds," and "remuneration"; limiting the annual remuneration of a state university president to \$225,000 from public funds; providing certain limitations on benefits for state university presidents under the Florida Retirement System; authorizing a party to provide cash or cash-equivalent compensation in excess of annual limit from nonpublic funds; eliminating any state obligation to provide cash or cash-equivalent compensation for state university presidents under certain circumstances; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was referred to the Committee on Education.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Webster—

SB 38-A—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; providing guiding principles; requiring an emphasis on reading; requiring certain accountability measures; authorizing community colleges to develop charter schools; revising application requirements; requiring fiscal projections in a charter application;

extending the time allowed for the State Board of Education to act on an appeal; requiring auditors to provide notification of certain financial conditions; providing additional requirements for a charter school's annual report; eliminating limitations on the number of charter schools per school district; revising administrative fees charged by the sponsor for the provision of services; providing a report to the Governor; amending s. 1002.32, F.S.; correcting a cross-reference; providing exceptions to the one lab school per university limitation; revising provisions relating to funding for lab schools; revising provisions relating to employees of lab schools; amending s. 1011.68, F.S.; correcting a cross-reference; amending s. 1013.62, F.S.; revising eligibility criteria for charter school capital outlay funding; revising purposes for charter school capital outlay funds; providing allocation criteria for charter school capital outlay appropriations; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was referred to the Committee on Education.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Miller—

SB 40-A—A bill to be entitled An act relating to the use of credit reports and credit scores by insurers; creating s. 626.9741, F.S.; specifying that the act's purpose is to regulate and limit the use of credit reports and credit scores by insurers for underwriting and rating purposes; specifying the types of insurance to which the act applies; defining terms; requiring that an insurer identify the items in a credit report which resulted in an adverse decision; prohibiting an insurer from making an adverse decision based solely on a credit report or score or certain other factors; requiring an insurer to provide a means for appeal to an applicant or insured under certain circumstances; prohibiting the use of a credit report or score unless the Office of Insurance Regulation determines, based on a filing by the insurer, that such use is valid and reasonable; authorizing the Office of Insurance Regulation to disapprove such filings; requiring an insurer to adhere to certain laws and rules; requiring an insurer to provide for an adjustment in the premium of an insured to reflect an improvement in credit history; authorizing the Financial Services Commission to adopt rules; providing for application; providing a contingent effective date.

—was referred to the Committee on Banking and Insurance.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Miller—

SB 42-A—A bill to be entitled An act relating to a public-records exemption; creating s. 627.9742, F.S.; creating a public-records exemption for credit scoring methodologies and related data and information that are trade secrets filed with the Office of Insurance Regulation; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committee on Banking and Insurance.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Diaz de la Portilla—

SB 44-A—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; implementing s. 20, Art. X of the State Constitution; reenacting s. 386.201, F.S., relating to a short title; amending s. 386.202, F.S.; providing legislative intent and findings; amending s. 386.203, F.S.; providing definitions; amending s. 386.204, F.S.; prohibiting smoking in certain places; requiring the posting of signs; creating s. 386.2045, F.S.; establishing specific exceptions where smoking is permitted; amending s. 386.205, F.S.; providing for designated smoking rooms; providing certain exceptions; requiring state agencies to adopt rules; amending s. 386.206, F.S.; providing requirements for the posting of signs in rooms designated as smoking rooms; amending s. 386.207, F.S.; providing for enforcement of the act by the Department of Business and Professional Regulation and the Department of Health; providing penalties; providing for the use of moneys collected as fines under the act; amending s. 386.208, F.S.; providing additional penalties; reenacting s. 386.209, F.S., relating to preemption by the state of the regulation of smoking; amending s. 386.211, F.S.; providing for announcements at certain facilities; amending s. 386.212, F.S.; prohibiting smoking near school property; creating s. 386.2125, F.S.; requiring the Department of Health to adopt rules; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing for severability; providing an effective date.

—was referred to the Committee on Regulated Industries.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senators Villalobos, Smith, Miller and Diaz de la Portilla—

SB 46-A—A bill to be entitled An act relating to the Florida Civil Rights Act of 1992; providing a short title; creating s. 760.021, F.S.; authorizing the Attorney General to commence a civil action against a person or group perpetuating discriminatory practices; providing for damages, injunctive relief, and civil penalties; providing for venue; providing for a hearing to determine a prima facie case; providing for attorney's fees and costs; amending s. 16.57, F.S.; authorizing the Attorney General to investigate violations under the Florida Civil Rights Act of 1992; amending s. 760.02, F.S.; defining the term "public accommodations"; creating 760.08, F.S.; making unlawful discrimination or segregation in places of public accommodation; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

—was referred to the Committee on Judiciary.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Wasserman Schultz—

SB 48-A—A bill to be entitled An act relating to prescription drugs; creating s. 409.960, F.S.; providing a popular name; creating s. 409.962, F.S.; providing purpose of the program; creating s. 409.964, F.S.; providing definitions; creating s. 409.966, F.S.; requiring the Secretary of Health Care Administration to operate the LifeSaver Rx Program as a state pharmaceutical assistance program to provide discounts to participants for prescription drugs covered by a rebate agreement; requiring the secretary to negotiate discount prices or rebates for prescription drugs from manufacturers or labelers; providing that the Agency for Health Care Administration shall contract with participating retail pharmacies to deliver discounted prices to program participants; providing factors to be considered in negotiating discounts or rebates; providing for quarterly calculation of discounts; creating s. 409.968, F.S.; providing for calculation of payment by program participants and the agency; requiring participating retail pharmacies in the state to charge the rate allowable under the Medicaid program for prescription drugs

sold to program participants; providing for rate of reimbursement of participating retail pharmacies; creating s. 409.970, F.S.; providing requirements for program eligibility; requiring the Agency for Health Care Administration to establish enrollment procedures; providing for use of rebates from drug manufacturers; creating s. 409.972, F.S.; providing for operation of the program; authorizing the Board of Pharmacy to adopt certain rules; creating s. 409.974, F.S.; providing procedure for resolution of discrepancies in rebate amounts; creating s. 409.976, F.S.; requiring an annual report; creating s. 409.978, F.S.; authorizing coordination with other programs; creating s. 409.980, F.S.; authorizing the agency to adopt rules; creating s. 409.982, F.S.; authorizing the agency to seek certain waivers; providing a contribution by the agency toward the cost of prescription drugs purchased by program participants; amending s. 409.9066, F.S.; requiring the Agency for Health Care Administration to publish on a website the average wholesale prices of drugs provided through the program; requiring the agency to publish additional information to assist consumers; requiring a report on methods of pricing pharmaceutical products purchased by the program; providing an appropriation; providing for severability; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was referred to the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 2-A** and **SB 4-A** were withdrawn from the Committee on Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Committee on Judiciary was granted permission to meet Thursday, May 15, from 10:00 a.m. until 12:00 p.m. The deadline for filing amendments is Thursday, May 15, at 8:00 a.m. unless otherwise noticed.

On motion by Senator Lee, the rules were waived and the Committees on Banking and Insurance; and Education were granted permission to meet Thursday, May 15, from 1:00 p.m. until 4:00 p.m. The deadline for filing amendments is Thursday, May 15, at 11:00 a.m. unless otherwise noticed.

MOTIONS

On motion by Senator Lee, the rules were waived and the procedure for establishing a Special Order Calendar during Special Session A will be by distribution and publication in the calendar on the day preceding consideration.

REPORTS OF COMMITTEE

The Committee on Education recommends the following pass: **SB 30-A**

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

The Committee on Appropriations recommends the following pass: **SB 10-A** with 1 amendment, **SB 12-A**, **SB 14-A**, **SB 16-A**, **SB 20-A**, **SB 22-A** with 1 amendment, **SB 24-A**, **SB 28-A**, **SB 30-A**

The bills were placed on the calendar.

The Committee on Appropriations recommends committee substitutes for the following: **SB 8-A**, **SB 26-A**

The Committee on Finance and Taxation recommends a committee substitute for the following: **SB 18-A**

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Appropriations; and Senator Pruitt—

CS for SB 8-A—A bill to be entitled An act relating to trust funds; amending s. 215.20, F.S.; revising the formula for contribution by certain trust funds to the General Revenue Fund; amending s. 215.22, F.S.; exempting certain trust funds and revenues from the appropriation required by s. 215.20, F.S.; amending s. 18.10, F.S.; appropriating certain earnings on investments to the General Revenue Fund; amending s. 18.125, F.S.; providing for the method of investment, and the disposition of interest earned on such investment, of certain trust fund moneys of specified agencies; amending s. 14.2015, F.S.; revising disposition of certain interest earned by the Office of Tourism, Trade, and Economic Development; amending s. 1009.66, F.S.; revising disposition of interest earned on Nursing Student Loan Forgiveness Trust Fund moneys; amending s. 385.207, F.S.; revising disposition of interest earned on Epilepsy Services Trust Fund moneys; amending s. 938.01, F.S.; revising disposition of interest earned on specified trust funds of the Department of Law Enforcement and Department of Children and Family Services; reenacting s. 215.32, F.S., relating to segregation of state funds; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

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

CS for SB 18-A—A bill to be entitled An act relating to taxation; directing the Department of Revenue to develop and implement an amnesty program for taxpayers subject to the state and local taxes imposed by chapters 125, 198, 199, 201, 202, 203, 206, 211, 212, 220, 221, 336, 370, 376, 403, 538, 624, 627, and 681, F.S.; providing time periods; providing program guidelines; providing for eligible participants; providing for waiver of penalties and interest under specified circumstances; providing for emergency rules; amending ss. 213.235, 220.807,

F.S.; providing that the interest rate on certain tax deficiencies shall be an adjusted prime rate plus 4 percentage points; providing a maximum rate; providing legislative intent; providing an appropriation; amending s. 202.35, F.S.; providing a maximum interest rate on delinquent taxes; amending s. 626.932, F.S.; changing the distribution of the surplus lines tax; amending s. 626.938, F.S.; changing the distribution of the tax on independently procured coverages; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

By the Committee on Appropriations; and Senator Webster—

CS for SB 26-A—A bill to be entitled An act relating to motor vehicles; amending s. 318.15, F.S.; providing for driver's license reinstatement; providing for disposition of fees; amending s. 322.051, F.S.; revising fees; amending s. 322.12, F.S.; revising provisions relating to the subsequent testing of driving knowledge and skills; amending s. 322.17, F.S.; revising provisions relating to the application for a replacement or duplicate driver's license; amending s. 322.21, F.S.; providing driver's license reinstatement fees; providing for fee distribution; amending s. 322.251, F.S.; providing a conforming change; amending s. 322.29, F.S.; providing driver's license reinstatement fees; providing for fee distribution; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 12 was corrected and approved.

RECESS

On motion by Senator Lee, the Senate recessed at 3:59 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, May 16 or upon call of the President.