



# Journal of the Senate

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## CALL TO ORDER

The Senate was called to order by President King at 10:28 a.m. in lieu of 9:15 a.m. A quorum present—40:

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

## PRAYER

The following prayer was offered by the Rev. James T. Golden, Ward Temple, African Methodist Episcopal Church, Bradenton:

Let us commune with Almighty God.

God of all truth and in whom we place our trust and who can do anything but fail; God of all times past, present, and future who does not always come when we want you to, but who is always right on time; God of all our transitions, from the womb to the tomb; God ever present and God everlasting who is too wise to make a mistake, too merciful to be unjust, and too loving to be unkind:

Once more, and again by the power of your grace and mercy, you have allowed just a few of your divinely made vessels to assemble themselves this morning at this hour.

So first, we just want to say thank you. *Thank you* for allowing each of us to see another day that we have never seen before. We will rejoice and be glad in it. *Thank you* for our lying down last night to what was not an endless sleep. For we know that there are those among us who saw the sun set on yesterday, but did not live to see it rise this morning. *Thank you* for our early rising this morning; for clothing each of us in our right mind; for granting to us our reasonable portion of health, happiness, and humility; and for ordering our steps to bring us into this place at this time as your people and sheep of your pasture.

Now, Almighty God, we beseech you this morning to bless *our world* with enough faith to overcome the despair of the darkest night, with enough hope to withstand the evil that crushes dreams and buries promises, and with enough love to conquer the strongest hatred and hurts.

We beseech you to bless *our nation* with enough unity that we might face the challenges of an unknown future as one nation, under God, indivisible, with liberty, and justice for all. Bless *our national leaders* with a determination in their search for peace and prosperity. Bless *our soldiers* at war around the globe with courage and compassion in their pursuit of victory. Bless all of their families, and we pray a special prayer for those like Mrs. Sheila Cobb of Bradenton, whose 19-year-old only son, Marine Private First Class Christopher Cobb, was killed last week in Iraq. Bless *all of our citizens* with an appreciation for the high price of freedom and liberty at home and abroad, and a strong will to pay that price any time and any where. For we know that unless all of your creatures are free, then none of your creatures are free.

Finally, Dear God, we beseech you to bless this great body of leadership here with a great spirit of stewardship. Be in all that they see, say, hear, and feel. Bless and have mercy on all their endeavors this day and every day. Bind them together where they are separated. Build them up where they are torn down. Unite them where they are divided. Strengthen their leadership wherever it may be weak. Strengthen their followership wherever it may stray. Strengthen their fellowship whatever their differences may be. Keep them all ever mindful, not only of who they are, but also of who you are.

“God of our weary years,  
God of our silent tears,  
thou who hast brought us thus far on the way;  
thou who hast by thy might led us into the light;”

Keep us all forever in thy path of righteousness, so thy goodness and mercy shall follow us all the days of our lives.

And the people of God said: Amen.  
And the people of God believed: Amen.  
And the people of God lived: Amen.

## PLEDGE

Senate Pages Heather Daffin of Cottondale, Hillary Smith of O'Brien, Sara “Whitney” Smith and Kathryn “Katy” Cashin of Tallahassee, 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. Charles Perniciaro of Neptune Beach, sponsored by Senator Wise, as doctor of the day. Dr. Perniciaro specializes in Dermatology.

## POINT OF PERSONAL PRIVILEGE

Senator Lee shared the story of the life of a remarkable child, Jake Austin Griffin, son of Mark and Susan Griffin, residents of Jupiter in Senator Pruitt's district. A playful photograph of Jake was displayed on the overhead screen.

Jake was born on November 16, 1998. At the age of three, he was diagnosed with an inoperable malignant brainstem tumor, an extremely rare type. Last week, on April 8, 2004, Jake passed away at home.

Life is not so much a destination as it is a journey. While Jake's journey was all too short, he and his parents serve as an example to all of us and an inspiration to me and all of those people whose lives they touched. It's not what happens to you in life, or the cards that you are dealt, that is so important; but it is how you handle what happens to you in life.

I've been inspired by them and I'm reminded this morning that while many great things have happened within the bounds of this institution and we have the ability to change the course of human events, we cannot for one moment rewrite history. We never can bring Jake Austin back to his family; but perhaps we can use the power of this moment to reflect on the fact that we have our human limitations; that God has so greatly enriched our lives; and that we, too, serve as role models to people whose lives that we touch. Most of all, we embrace with humility the limitations that we have as public servants and citizens.

Mr. President, I have been so moved and so touched by the life of this little boy and the way his parents have managed this tragedy in their lives. I would ask for a moment of silence. For all of those of us who have children and grandchildren, we should take time today to call them or to reach out to them and let them know how thankful we are that they are healthy and productive citizens and how proud we are to have them in our lives. But for the grace of God, there goes us all. Thank you, Mr. President.

## ADOPTION OF RESOLUTIONS

On motion by Senator Atwater—

By Senator Atwater—

**SR 2590**—A resolution honoring the memory of former State Senator Tom Lewis.

WHEREAS, Tom Lewis was born in Philadelphia, Pennsylvania, on October 26, 1924, and served honorably in the United States Air Force for 11 years as a Gunner on a B-25 bomber in World War II and in Korea, and

WHEREAS, Tom Lewis completed his service in the Air Force at Morrison Field, now known as the site of the Palm Beach International Airport, and having grown attached to the community, decided with his wife Marian to stay and raise their family, which at the time of his death included three children, seven grandchildren, and one great-grandchild, and

WHEREAS, Tom Lewis, at the behest of his friends and neighbors, began his 30-year political career as a councilman and Mayor in the Village of North Palm Beach from 1964 to 1972, and

WHEREAS, Tom Lewis then won election to the District 83 seat in the Florida House of Representatives, a district he represented from 1972 until 1980, and during his tenure he served as Minority Whip from 1978 to 1980, and

WHEREAS, Tom Lewis then won election to the District 27 seat of the Florida Senate, a seat he held from 1980 to 1982, during which time he served on the Agriculture and Appropriation Committees, and

WHEREAS, Tom Lewis was then elected to the United States Congress and immediately put his years of experience in the military, private, and public sectors to work as a member of the Science and Technology Committee and the Agriculture Committee, where he represented Florida's farmers, growers, and cattlemen with vigor and determination, and

WHEREAS, Tom Lewis worked earnestly for the people of Florida and will be fondly remembered for several initiatives that continue to affect the lives of Floridians, and

WHEREAS, Tom Lewis will also be remembered during each hurricane season because of his efforts to ensure that the Air Force Reserve continues to fly the WC-130 "Hurricane Hunter" aircraft into tropical storms and hurricanes, gathering crucial data so that meteorologists can more accurately predict the path and severity of oncoming storms, NOW, THEREFORE,

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

That the Senate respectfully honors the memory and legacy of Mayor, Florida State Representative, Florida State Senator, and United States Congressman Tom Lewis - a dedicated family man, a tireless advocate for his constituents, a great statesman, and a mentor and friend to many.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the family of Tom Lewis as a tangible token of the sentiments expressed herein and a lasting symbol of the respect of the members of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Atwater, **SR 2590** was read the second time in full and adopted.

On motion by Senator Fasano—

By Senator Fasano—

**SR 1476**—A resolution recognizing October 2004 as "Greyhound Adoption Month."

WHEREAS, the Greyhound dog is one of the oldest currently existing breeds, and

WHEREAS, the Greyhound's origin is deeply rooted in ancient history, with dogs looking similar to today's Greyhound depicted more than 4,000 years ago on the walls of ancient Egyptian tombs, and

WHEREAS, the Arabs so admired the physical attributes and speed of the Greyhound that it was the only animal permitted to share their tents and ride atop their camels, and

WHEREAS, the Greyhound arrived in Europe 3,500 years ago, and in 1014 A.D., King Canute of England enacted the Forest Laws, which stated that only noblemen could own and hunt with Greyhounds, and

WHEREAS, Queen Elizabeth I abolished the Forest Laws in the 1500s and later initiated the first formal rules of "Greyhound coursing," the pursuit of hares, and

WHEREAS, in the late 1800s, farmers imported Greyhounds to the United States to help control jackrabbit populations and, because of their speed and natural instincts, Greyhounds soon became the focus of popular neighborhood competitions - the first organized Greyhound racing events, and

WHEREAS, Greyhound racing as we know it today began in 1912 with Owen Patrick Smith's invention of a mechanical lure that could circle a track, with the first track opening in 1919 in Emeryville, California, and

WHEREAS, Greyhounds have an average life expectancy of 12 to 14 years but are retired from racing at between 2 and 5 years of age with many good years left to live, and

WHEREAS, there are numerous available Greyhounds waiting each year to be adopted when they are retired from racing, and

WHEREAS, the Greyhound's devotion to people is legendary, and retired Greyhounds seem especially loyal to their owners, thriving with the constant love and attention of a family of their own, NOW, THEREFORE,

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

That the Florida Senate recognizes October 2004 as "Greyhound Adoption Month."

—was introduced out of order and read by title. On motion by Senator Fasano, **SR 1476** was read the second time in full and adopted.

At the request of Senator Sebesta—

By Senator Sebesta—

**SR 1490**—A resolution recognizing April 14, 2004, as Aviation Day in Florida.

WHEREAS, the aviation industry is one of the cornerstones of Florida's economy, with 19 commercial service airports and 111 general aviation airports that are open to the public and more than 550 private airports, and

WHEREAS, Florida's airports provide nearly \$90 billion annually in economic activity, and its aviation industry supports over one million jobs that generate more than \$26 billion in annual payroll, and

WHEREAS, Florida has the largest flight training industry in the world, and

WHEREAS, Florida's commercial service airports provide nonstop scheduled service to 160 domestic and international destinations, serve 110 million passengers annually, handle 6 percent of the nation's air cargo, and carry in excess of 50 percent of the visitors that come to the state each year, and

WHEREAS, each year, Florida's general aviation aircraft bring 9 million visitors to the state, and its general aviation airports house 14,000 aircraft, comprising 6 percent of the nation's general aviation fleet, and accommodate 7 million takeoffs and landings yearly, ranking Florida second in the nation in this area, NOW, THEREFORE,

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

That the Florida Senate acknowledges the outstanding contributions made by the more than one million employees of the aviation industry of the state and is pleased to recognize April 14, 2004, as Aviation Day in Florida.

—**SR 1490** was introduced, read and adopted by publication.

At the request of Senator Bennett—

By Senator Bennett—

**SR 2228**—A resolution honoring Mr. Carroll Webb for his 28 years of service as Executive Director and General Counsel of the Joint Administrative Procedures Committee of the Florida Legislature.

WHEREAS, Mr. Carroll Webb served the State of Florida for more than 28 years as Executive Director and General Counsel of the Joint Administrative Procedures Committee of the Florida Legislature, from October 1974 through June 2003, and

WHEREAS, Mr. Webb served with unflinching dedication and integrity while zealously reviewing rules of the executive branch to ensure that they were clearly within the statutory authority that they purported to implement, and

WHEREAS, Mr. Webb graduated from Lake Worth Junior and Senior High School, where he was on the baseball, basketball, and track teams and was elected President of the Senior Class, and

WHEREAS, Mr. Webb attended the University of Florida and ran track during his Freshman Year, after which he served in the United States Army for 2 years, and

WHEREAS, Mr. Webb earned a Bachelor's Degree in Business Administration from the University of Florida in Gainesville, where he was active in the Alpha Tau Omega Social Fraternity, and

WHEREAS, Mr. Webb earned a law degree from Stetson University College of Law in St. Petersburg, where he was a member of the Phi Delta Phi Legal Fraternity and President of the Student Bar Association, and

WHEREAS, Mr. Webb served as Assistant General Counsel to the Florida Development Commission, advising on bond validation proceedings for road and bridge bonds, and then served as Assistant General Counsel to the State Road Department, litigating eminent domain cases for the acquisition of rights of way, and

WHEREAS, Mr. Webb served as Special Counsel to a task force in the Office of the Comptroller, advising on new taxation procedures to ensure that ad valorem taxes were based on the full value of property, and then served as General Counsel to the Comptroller of Florida, advising on the payment of all charges and warrants for the state, and

WHEREAS, Mr. Webb distinguished himself as a member of the Florida House of Representatives from 1972 to 1974 and was voted the Allen Morris Award as the Most Outstanding Freshman by the membership of the House of Representatives, and

WHEREAS, Mr. Webb has been a devoted husband to Helen Score Webb of Lake Worth for 45 years and has four grown children and one granddaughter, and

WHEREAS, Mr. Webb's tireless efforts have ensured the careful review of more than 130,000 administrative rules based on Florida law, revealing that 25 percent of these rules lacked adequate statutory authority and prompting amendment of these rules by the agencies adopting them, so that, but for his efforts, there would be nearly 32,000 illegal rules on the books in Florida today, and

WHEREAS, Mr. Webb ended his tenure as Executive Director and General Counsel of the Joint Administrative Procedures Committee of the Florida Legislature upon his retirement on June 30, 2003, NOW, THEREFORE,

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

That Mr. Carroll Webb is commended for his many achievements and for his faithful commitment, dedication, and service to the Florida Legislature and to all of the people of the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mr. Carroll Webb as a tangible token of the high esteem of the Florida Senate.

—**SR 2228** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

**SR 2286**—A resolution recognizing the week of April 11-17, 2004, as "Minority Cancer Awareness Week" in the State of Florida.

WHEREAS, although progress is being made in the fight against cancer, the incidence of cancer is greater among Floridians who are medically underserved than those who have adequate access to quality medical care and treatment, and

WHEREAS, most Floridians who are medically underserved are without adequate health care insurance, and the great majority of these are senior citizens, people of African and Latin descent, and people who are living below the national standard for poverty, and

WHEREAS, 60 percent of all incidences of cancer and 65 percent of all cancer deaths occur in people who are over the age of 65, and the United States Census estimates that, if population trends continue, Florida will soon have more senior citizens than any other state, and

WHEREAS, people of African descent, who constitute 15.2 percent of Florida's population, the largest element of Florida's minority population, are 33 percent more likely to die of cancer than people of Caucasian descent, and are 200 percent more likely to die of cancer than are people of Latin descent, and

WHEREAS, people of Hispanic descent are the fastest-growing element of the nation's population, are expected by 2005 to become the largest element of Florida's minority population, and the majority of people of Latin descent are medically underserved due to cultural and language differences and lack of adequate health care insurance, and

WHEREAS, 15.2 percent of Floridians live below the national standard for poverty and do not have adequate medical insurance, and

WHEREAS, due to the continuing efforts of the Biennial Symposium on Minorities and the Medically Underserved, this year is the 18th consecutive year in which Minority Cancer Awareness Week is observed nationally, and adoption of this resolution will provide the inaugural occasion for Minority Cancer Awareness Week to be observed in Florida, and

WHEREAS, minority cancer awareness initiatives, such as those promoted by the Florida Division of the American Cancer Society, will promote strategies to reduce the ethnic and racial cancer disparities, NOW, THEREFORE,

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

That the Florida Senate recognizes the week of April 11-17, 2004, as "Minority Cancer Awareness Week" in the State of Florida.

—**SR 2286** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

**SR 2980**—A resolution commending Sister Jeanne O'Laughlin.

WHEREAS, Sister Jeanne O'Laughlin, professional educator, public speaker, writer, and community activist, was born May 4, 1929, in Detroit, Michigan, earned her Bachelor of Science Degree in Biology from Sienna Heights College, her Master of Science Technology Degree in Biology from the University of Arizona, and her Ph.D. Degree in Educational Administration from the University of Arizona, and began her career as a professional educator in 1950 when she began teaching, and

WHEREAS, after 31 years of experience as a teacher and educational administrator, Sister Jeanne became President of Barry University in 1981 and in the 23 ensuing years has served with distinction, leading the University to unprecedented growth, diversity, and prosperity, and

WHEREAS, demonstrating her extraordinary leadership skills, Sister Jeanne organized alumni, students, faculty, staff, and community benefactors to form Team Barry, raising over \$200 million, increasing scholarship funds to \$29 million annually, increasing enrollment from 1,750 to 9,042 students, doubling the number of the university academic schools from 5 to 10, adding 38 new buildings, and planting more than 2,000 new trees on the expanding Miami Shores campus, and

WHEREAS, dedicated to empowering women and minorities through higher education, Sister Jeanne has led to the University's recognition as the most diverse institution of higher learning in the Southeastern United States for the past 7 years, according to U.S. News & World Report, and

WHEREAS, a dynamic leader among professional educators, Sister Jeanne has actively participated in and led many educational organizations, serving as Chair of the Association of Catholic Colleges and Universities (1994-1996), a member of the Executive Council of the Southern Association of Colleges and Schools Commission on Colleges (1991-1996), President of the Florida Association of Colleges and Universities (1991-1993), Chair of the President's Council of Independent Colleges and Universities (1994-1997), and a member of the National Advisory Board for The Center for Educational Administrative Initiatives (2002 to the present), and

WHEREAS, selflessly committed to community service, Sister Jeanne has been honored on many occasions, including being named "First Lady in Catholic Education" in 1982 by Today's Catholic Teacher, and "Public Citizen of the Year" in 1992 and 1996 by the Miami-Dade unit of National Association of Social Workers, receiving the "First Annual Life Enrichment Award" in 1984 from B'nai B'rith Women of South Coastal Regions, the 1988 "Women Who Make a Difference" award from the Young Women's Christian Association of Greater Miami, the "Tel Aviv University Friendship Award" in 1989, the "Peace and Unity Award" from the St. Martin De Porres Association in 1990 and 1997, the Pro Ecclesia et Pontifice Medal from Pope John-Paul II in 1992 for service to the Catholic Church, the Miami Herald's "Charles Whited Spirit of

Excellence Award" in 1993, the South Florida Magazine's "Women of Distinction" award in 1994, Honorary Doctorate of Humane Letters from the University of Miami in 1996, Honorary Doctorate of Humane Letters from Rollins College in 1997, induction into the Florida Women's Hall of Fame in 1998, the Greater Miami Chamber of Commerce's "Sand in My Shoes Award" in 1999, Miami Metro Magazine's "Woman of the Year" award in 2000, and inclusion among Miami Business Magazine's Top 100 most powerful people in Miami-Dade County in 2001, and

WHEREAS, on June 30, 2004, Sister Jeanne will end her term of service as President of Barry University and commence a 1-year sabbatical, during which she plans to finish her book of memoirs entitled "Who is Love?" and lead a mission to help create schools for women in other countries, with plans to return to Barry University in 2005 to serve as its Chancellor, NOW, THEREFORE,

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

That Sister Jeanne O'Laughlin is commended for her remarkable accomplishments as a professional educator in leading Barry University for the past 23 years and for her contributions to the betterment of the people who reside in Miami-Dade County.

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

—**SR 2980** was introduced, read and adopted by publication.

At the request of Senator Aronberg—

By Senator Aronberg—

**SR 2988**—A resolution commending the achievements of SUPERB and its founders, Jeremy and Sharon Ring, in reducing the incidence of bullying in school communities.

WHEREAS, according to a 2001 survey funded by the National Institute of Child Health and Human Development, bullying is widespread in schools throughout the United States, with more than 16 percent of school children saying they were bullied by other students during the 2000-2001 school term, and

WHEREAS, according to the School Psychologist Association, 160,000 American youth skip school every day for the fear they will be victimized by bullies, and

WHEREAS, according to researchers, bullies and their victims are more likely than others to develop depression and suicidal thoughts, and are at a high risk of becoming felons and domestic abusers, and

WHEREAS, according to a study by the National Threat Assessment Center administered by the United States Secret Service, two-thirds of the 41 youth involved in school shootings since 1974 said they had been bullied at school and revenge was one of their motives for harming others, and

WHEREAS, Students United with Parents and Educators to Resolve Bullying (SUPERB) is a program founded by Jeremy and Sharon Ring and teaches students, educators, and parents how to work together to eliminate bullying behavior, and

WHEREAS, SUPERB is a program that is embraced by community leaders because it seeks to identify bullies and victims and to change behavioral standards that allow bullying and interpersonal violence to occur in schools, and

WHEREAS, in September 2003, SUPERB launched a pilot program in six elementary and middle schools within the Broward County Public School System, the third-largest accredited school system in the nation, and

WHEREAS, SUPERB's pilot program is intended to teach children early in life that teasing, tormenting, and subjecting others to violence is not acceptable social behavior, with the goal of eliminating such behavior in schools, reducing the incidence of violent crimes against persons in school communities, and decreasing the adverse consequences suffered by those who engage in or who are victimized by such behavior, NOW, THEREFORE,

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

That the Senate commends SUPERB and its founders, Jeremy and Sharon Ring, for their invaluable contributions in designing and implementing a comprehensive program to reduce the incidence of bullying in the schools of this state.

—**SR 2988** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

**SR 3054**—A resolution recognizing April 13 and 14, 2004, as Legislative Massage Therapy Awareness Days.

WHEREAS, members of the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association throughout the state are actively involved in public awareness and health programs to improve the health and quality of life of Florida residents, and

WHEREAS, the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association are celebrating their fifteenth anniversary and have been holding Legislative Massage Therapy Awareness Days at the Florida Capitol since 1988 for the purpose of educating the State Legislature and the public concerning the many health benefits of massage therapy, and

WHEREAS, licensed massage therapists have been licensed and regulated in the State of Florida since 1943, and as of 2004 there are over 22,000 massage therapists licensed by the state, and

WHEREAS, massage therapy is a low-cost, high-quality means of enhancing and restoring health, and

WHEREAS, increased awareness of the benefits of massage therapy will lead to improved health and vitality of the residents of the State of Florida, and

WHEREAS, the Legislature recognizes massage therapy for wellness and preventive health measures, NOW, THEREFORE,

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

That the Florida Senate recognizes April 13 and 14, 2004, as “Legislative Massage Therapy Awareness Days.”

—**SR 3054** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

**SR 3136**—A resolution commending and honoring Congressman C. W. “Bill” Young.

WHEREAS, C. W. “Bill” Young was born December 16, 1930, in Har-marville, Pennsylvania, and in 1945, at age 15, moved to Pinellas County, Florida, the place where he has since resided and called home, and

WHEREAS, registered as a member of the Republican Party, in 1959, Bill Young successfully ran for the office of State Senator from the 11th Senate District (Pinellas County) to succeed the only Republican then serving in the Florida Senate, Senator J. Frank Houghton, whose term of office was expiring, thereby becoming the third Republican to serve in the Florida Senate in the 20th century, and

WHEREAS, a true pioneer in leading the way for members of the Republican Party to seek and obtain a prominent role in determining the governance of Florida, over the 10-year period from 1960 to 1970, Senator Young ran and was reelected to represent Pinellas County in the Florida Senate for consecutive terms, inspiring other qualified Republicans to do the same, and by 1970 was joined by 15 other Republican Senators, bringing to 16 the number of Republicans serving in the Florida Senate, and

WHEREAS, while serving in the Florida Senate, Senator Young exemplified outstanding statesmanship, distinguishing himself through an astute knowledge and use of the Senate rules to facilitate efficiency in the parliamentary process, and

WHEREAS, Senator Young served as Chair of the Committee on Transportation and Safety, served as a member of the committees on Banking, Securities and Loans, Intergovernmental and Veterans Affairs and Communications, Finance and Taxation, and Rules and Calendar, and served as Republican Leader from 1968 until 1970, and

WHEREAS, in 1970, Senator Young left the Florida Senate to run for election to the seat in the United States House of Representatives being vacated by then-Congressman William C. Cramer, and has since represented Pinellas County and the State of Florida with remarkable effectiveness, having diligently worked his way through the seniority system of Congressional governance to rise to his present level of leadership, the trusted position of Chair of the powerful House Appropriations Committee, one of the most critically important public offices in the world, and

WHEREAS, recognized internationally as a leader in advocating for the funding needed to extend adequate health care to veterans and all Americans, Congressman Young has introduced legislation that doubled funding over 5 years for biomedical research conducted by the National Institutes of Health and provided the funding needed to continue the National Marrow Donor Program, resulting in the Department of Defense establishing the “C. W. ‘Bill’ Young Department of Defense Marrow Donor Center,” and

WHEREAS, as the senior member of the Florida Congressional Delegation, Congressman Young has continually demonstrated the dynamic leadership that distinguishes his many years of public service, enthusiastically assisting his Congressional colleagues in supporting legislative initiatives to serve the needs of Floridians and all Americans, NOW, THEREFORE,

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

That Congressman C. W. “Bill” Young is commended for his tireless dedication to the people who reside in Pinellas County and the State of Florida, for his exemplary statesmanship as a member of the Florida Senate and the United States House of Representatives, and for his accomplishments in advocating legislation securing the peace and prosperity for all Americans.

BE IT FURTHER RESOLVED that April 14, 2004, is recognized as “Congressman C. W. ‘Bill’ Young Day” in the state of Florida.

—**SR 3136** was introduced, read and adopted by publication.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for CS for SB 586, SB 1684, SB 2198, CS for CS for CS for SB 160, CS for SB 1934, CS for CS for SB 2026, CS for SB 1760, SB 314, SB 1198, CS for SB 1414 and CS for SB 2646** were withdrawn from the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote **HB 1839** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations; **HB 1841, HB 1859 and HB 1873** were withdrawn from the Committees on Environmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; **HB 1847 and HB 1869** were withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations; **HB 1849** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Article V Implementation and Judiciary; Appropriations; and Rules and Calendar; **HB 1851** was withdrawn from the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations; **HB 1853** was withdrawn from the Committees on Agriculture; and Judiciary; **HB 1863 and HB 1865** were withdrawn from the Committees on Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations; **HB 1867** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations; **HB 1871** was withdrawn from the Committees on Natural Resources; Appropriations Subcommittee on General Government;

and Appropriations; **HB 1877** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations; **HB 1879** was withdrawn from the Committees on Agriculture; Appropriations Subcommittee on General Government; and Appropriations; **HB 1881** was withdrawn from the Committees on Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations; **HB 1883** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 1314** was withdrawn from the Committees on Transportation; and Finance and Taxation; and referred to the Committee on Appropriations; **CS for SB's 1940 and 2636** was withdrawn from the Committees on Comprehensive Planning; Judiciary; Commerce, Economic Opportunities, and Consumer Services; and Rules and Calendar; **CS for SB 2474** was rereferred to the Committee on Regulated Industries; and also referred to Finance and Taxation; **SB 182** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 276** and **CS for CS for SB 1552** were withdrawn from the Committee on Rules and Calendar; **CS for SB 520 and CS for SB 494** was withdrawn from the Committee on Regulated Industries; **CS for SB 702** was withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 1072** and **SB 1768** were withdrawn from the Committee on Appropriations; **CS for SB 1396**, **SB 1774**, **SB 1830** and **SB 2302** were withdrawn from the Committee on Comprehensive Planning; **CS for SB 1772** was withdrawn from the Committee on Health, Aging, and Long-Term Care; and **SB 1828** was withdrawn from the Committee on Appropriations Subcommittee on Criminal Justice.

## MOTIONS

On motion by Senator Pruitt, the House was requested to return **HB 329**.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar meeting scheduled for 6:00 p.m. this day was cancelled.

## SPECIAL ORDER CALENDAR

On motion by Senator Argenziano—

**SB 676**—A bill to be entitled An act relating to the Florida State Fair Authority; creating s. 616.2575, F.S.; authorizing the authority to issue up to \$10 million in bonds; prescribing projects for which bond proceeds may be used; providing for payment of debt service on such bonds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 676** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

**CS for SB 1410**—A bill to be entitled An act relating to neighborhood crime watch programs; authorizing a county sheriff or municipal police department to establish neighborhood crime watch programs; providing for residents and business owners located within the county or municipality to participate in the program; prohibiting the harassment of a participant of a neighborhood crime watch program under certain circumstances; providing penalties; defining the term "harass"; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1410** to **HB 511**.

Pending further consideration of **CS for SB 1410** as amended, on motion by Senator Miller, by two-thirds vote **HB 511** was withdrawn from the Committees on Comprehensive Planning; and Criminal Justice.

On motion by Senator Miller, the rules were waived and—

**HB 511**—A bill to be entitled An act relating to neighborhood crime watch programs; authorizing a county sheriff or municipal police department to establish neighborhood crime watch programs; providing for residents and business owners located within the county or municipality to participate in the program; prohibiting the harassment of a participant of a neighborhood crime watch program; providing criminal penalties; providing definitions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1410** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 511** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

**CS for CS for SB 1064**—A bill to be entitled An act relating to Medicaid; amending s. 16.56, F.S.; adding criminal violations of s. 409.920 or s. 409.9201, F.S., to the list of specified crimes within the jurisdiction of the Office of Statewide Prosecution; amending s. 400.408, F.S.; including the Medicaid Fraud Control Unit of the Department of Legal Affairs in the Agency for Health Care Administration's local coordinating workgroups for identifying unlicensed assisted living facilities; amending s. 400.434, F.S.; giving the Medicaid Fraud Control Unit of the Department of Legal Affairs the authority to enter and inspect facilities licensed under part III of ch. 400, F.S.; creating s. 409.9021, F.S.; requiring a Medicaid applicant to agree to forfeiture of all entitlements under the Medicaid program upon a judicial or administrative finding of fraud within a specified period; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program; authorizing the Agency for Health Care Administration to impose mandatory enrollment in drug-therapy-management or disease-management programs for certain categories of recipients; requiring that the Agency for Health Care Administration and the Drug Utilization Review Board consult with the Department of Health; allowing termination of certain practitioners from the Medicaid program; providing that Medicaid recipients may be required to participate in a provider lock-in program for not less than 1 year and up to the duration of the time the recipient participates in the program; requiring the agency to seek a federal waiver to terminate eligibility; requiring the agency to conduct a study of electronic verification systems; authorizing the agency to use credentialing criteria for the purpose of including providers in the Medicaid program; amending s. 409.913, F.S.; providing specified conditions for providers to meet in order to submit claims to the Medicaid program; providing that claims may be denied if not properly submitted; providing that the agency may seek any remedy under law if a provider submits specified false or erroneous claims; providing that suspension or termination precludes participation in the Medicaid program; providing that the agency is required to report administrative sanctions to licensing authorities for certain violations; providing that the agency may withhold payment to a provider under certain circumstances; providing that the agency may deny payments to terminated or suspended providers; authorizing the agency to implement amnesty programs for providers to voluntarily repay overpayments; authorizing the agency to adopt rules; providing for limiting, restricting, or suspending Medicaid eligibility of Medicaid recipients convicted of certain crimes or offenses; authorizing the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs to review non-Medicaid-related records in order to determine reconciliation of a provider's records; authorizing the agency head or designee to limit, restrict, or suspend Medicaid eligibility for a period not to exceed 1 year if a recipient is convicted of a federal health care crime; authorizing the Agency for Health Care Administration to limit the number of certain types of prescription claims submitted by pharmacy providers; requiring the agency to limit the allowable amount of certain types of prescriptions under specified circumstances; amending s. 409.9131, F.S.; requiring that the Office of Program Policy Analysis and Government Accountability report to the Legislature on the agency's fraud and abuse prevention, deterrence, detection, and recovery efforts; redefining the term "peer review"; providing for peer review for purposes of determining a potential overpayment if the medical necessity or quality of care is evaluated; requiring an additional statement on Medicaid cost reports certifying that Medicaid providers are familiar with the laws and regulations regarding the provision of health care services under the Medicaid

program; amending s. 409.920, F.S.; redefining the term “knowingly” to include “willfully” or “willful”; making it unlawful to knowingly use or endeavor to use a Medicaid provider’s or a Medicaid recipient’s identification number or cause to be made, or aid and abet in the making of, a claim for items or services that are not authorized to be reimbursed under the Medicaid program; defining the term “paid for”; creating s. 409.9201, F.S.; providing definitions; providing that a person who knowingly sells or attempts to sell legend drugs obtained through the Medicaid program commits a felony; providing that a person who knowingly purchases or attempts to purchase legend drugs obtained through the Medicaid program and intended for the use of another commits a felony; providing that a person who knowingly makes or conspires to make false representations for the purpose of obtaining goods or services from the Medicaid program commits a felony; providing specified criminal penalties depending on the value of the legend drugs or goods or services obtained from the Medicaid program; amending s. 456.072, F.S.; providing an additional ground under which a health care practitioner who prescribes medicinal drugs or controlled substances may be subject to discipline by the Department of Health or the appropriate board having jurisdiction over the health care practitioner; authorizing the Department of Health to initiate a disciplinary investigation of prescribing practitioners under specified circumstances; amending s. 465.188, F.S.; deleting the requirement that the Agency for Health Care Administration give pharmacists at least 1 week’s notice prior to an audit; specifying an effective date for certain audit criteria; creating s. 812.0191, F.S.; providing definitions; providing that a person who traffics in property paid for in whole or in part by the Medicaid program, or who knowingly finances, directs, or traffics in such property, commits a felony; providing specified criminal penalties depending on the value of the property; amending s. 895.02, F.S.; adding Medicaid recipient fraud to the definition of the term “racketeering activity”; amending s. 905.34, F.S.; adding any criminal violation of s. 409.920 or s. 409.9201, F.S., to the list of crimes within the jurisdiction of the statewide grand jury; amending s. 932.701, F.S.; expanding the definition of “contraband article”; amending s. 932.7055, F.S.; requiring that proceeds collected under the Florida Contraband Forfeiture Act be deposited in the Department of Legal Affairs’ Grants and Donations Trust Fund; amending ss. 394.9082, 400.0077, 409.9065, 409.9071, 409.908, 409.91196, 409.9122, 409.9131, 430.608, 636.0145, 641.225, and 641.386, F.S.; correcting cross-references; reenacting s. 921.0022(3)(g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendment to s. 409.920, F.S., in a reference thereto; reenacting s. 705.101(6), F.S., relating to unclaimed evidence, to incorporate the amendment to s. 932.701, F.S., in a reference thereto; reenacting s. 932.703(4), F.S., relating to forfeiture of contraband articles, to incorporate the amendment to s. 932.701, F.S., in a reference thereto; providing an appropriation and authorizing positions; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

**Amendment 1 (112646)**—On page 10, delete line 18 and insert: *determination, two times in a period of five years.*

**Amendment 2 (864796)**—On page 46, line 19 through page 47, line 3, delete those lines and insert:

*(45) Subject to the availability of funds, the agency shall mandate a recipient’s participation in a provider lock-in program, when appropriate, if a recipient is found by the agency to have used Medicaid goods or services at a frequency or amount not medically necessary, limiting the receipt of goods or services to medically necessary providers after the 21-day appeal process has ended, for a period of time that is reasonable and necessary to ensure that services are appropriately used. The lock-in programs shall include, but are not limited to, pharmacies, medical doctors, and infusion clinics. The limitation does not apply to emergency services and care provided to the recipient in a hospital emergency department. The agency shall seek any federal waivers necessary to implement this subsection. The agency shall adopt any rules necessary to comply with or administer this subsection.*

**Amendment 3 (433616)**—On page 47, lines 7 and 8, delete those lines and insert: *judicial or administrative determination, two times in a period of five years.*

**Amendment 4 (531862)**—On page 51, lines 5-11, delete those lines and insert: *adjudicated for denial or payment within 90 days after*

*receipt of complete documentation by the agency for review. If there is reliable evidence of fraud, misrepresentation, abuse, or neglect, claims shall be adjudicated for denial of payment within 180 days after receipt of complete documentation by the agency for review.*

**Amendment 5 (451692)**—On page 54, line 12, after the period (.) insert: *This paragraph shall expire July 1, 2005.*

**Amendment 6 (444122)(with title amendment)**—On page 78, line 9 through page 79, line 24, delete those lines and insert:

Section 11. Subsection (1) of section 465.188, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

465.188 Medicaid audits of pharmacies.—

(1) Notwithstanding any other law, when an audit of the Medicaid-related records of a pharmacy licensed under chapter 465 is conducted, such audit must be conducted as provided in this section.

(a) The agency conducting the audit must give the pharmacist at least 1 week’s prior notice of the *initial audit for each audit cycle.*

(b) An audit must be conducted by a pharmacist licensed in this state.

(c) Any clerical or recordkeeping error, such as a typographical error, scrivener’s error, or computer error regarding a document or record required under the Medicaid program does not constitute a willful violation and is not subject to criminal penalties without proof of intent to commit fraud.

(d) A pharmacist may use the physician’s record or other order for drugs or medicinal supplies written or transmitted by any means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or narcotic drug.

(e) A finding of an overpayment or underpayment must be based on the actual overpayment or underpayment and may not be a projection based on the number of patients served having a similar diagnosis or on the number of similar orders or refills for similar drugs.

(f) Each pharmacy shall be audited under the same standards and parameters.

(g) A pharmacist must be allowed at least 10 days in which to produce documentation to address any discrepancy found during an audit.

(h) The period covered by an audit may not exceed 1 calendar year.

(i) An audit may not be scheduled during the first 5 days of any month due to the high volume of prescriptions filled during that time.

(j) The audit report must be delivered to the pharmacist within 90 days after conclusion of the audit. A final audit report shall be delivered to the pharmacist within 6 months after receipt of the preliminary audit report or final appeal, as provided for in subsection (2), whichever is later.

(k) *The audit criteria set forth in this section applies only to audits of claims submitted for payment subsequent to July 11, 2003.*

(4) *This section does not apply to any investigative audit conducted by the Agency for Health Care Administration when the agency has reliable evidence that the claim that is the subject of the audit involves fraud, willful misrepresentation, or abuse under the Medicaid program.*

And the title is amended as follows:

On page 5, line 9, after the first semicolon (;) insert: *providing that the specified Medicaid audit procedures do not apply to any investigative audit conducted by the agency when the agency has reliable evidence that the claim that is the subject of the audit involves fraud, willful misrepresentation, or abuse under the Medicaid program;*

Senator Peaden moved the following amendment which was adopted:

**Amendment 7 (674312)(with title amendment)**—On page 79, delete line 24 and insert: *subsequent to July 11, 2003. Notwithstanding any other provision in this section, the agency conducting the audit shall*

not use the accounting practice of extrapolation in calculating penalties for Medicaid audits.

And the title is amended as follows:

On page 5, line 9, after the first semicolon (;) insert: prohibiting the accounting practice of extrapolation for calculating penalties for Medicaid audits;

Senator Saunders moved the following amendment:

**Amendment 8 (032280)**—On page 108, between lines 18 and 19, insert:

*Section 32. The Agency for Health Care Administration shall report to the President of the Senate and the Speaker of the House of Representatives, by January 1, 2005, on the feasibility of creating a database of valid prescriber information for the purpose of notifying pharmacies of prescribers qualified to write prescriptions for Medicaid beneficiaries, or in the alternative, of prescribers not qualified to write prescriptions for Medicaid beneficiaries. The report shall include information on the system changes necessary to implement this paragraph, as well as the cost of implementing the changes. The Agency for Health Care Administration shall develop a plan for implementing a prior authorization requirement at the pharmacy level for drugs determined by the agency, the Medicaid Fraud Control Unit, or the Department of Health to be susceptible to fraud or abuse by January 1, 2005.*

(Redesignate subsequent sections.)

#### MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment to **Amendment 8** which was adopted:

**Amendment 8A (250318)**—On page 1, delete line 28 and insert: *Administration shall also include a feasibility study and recommendations for implementing a prior*

**Amendment 8** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 1064** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 2588** was deferred.

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On motion by Senator Atwater—

**SB 2832**—A bill to be entitled An act relating to water management district planning and reporting; directing the South Florida Water Management District to undertake a pilot project to consolidate certain plans and reports; providing a temporary new deadline in lieu of statutory deadlines for the submission of certain plans and reports of the district; requiring the district to report to the Governor and the Legislature by a certain date; providing for termination of the project; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2832** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Dockery—

**SB 130**—A bill to be entitled An act relating to name change petitions; amending s. 68.07, F.S.; requiring that such petition contain certain criminal background information; requiring a report to be sent to the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles; authorizing the Department of Law Enforcement to forward the report to other law enforcement agencies; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 130** to **HB 1787**.

Pending further consideration of **SB 130** as amended, on motion by Senator Dockery, by two-thirds vote **HB 1787** was withdrawn from the Committees on Judiciary; Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations.

On motion by Senator Dockery, the rules were waived and—

**HB 1787**—A bill to be entitled An act relating to name change petitions; amending s. 68.07, F.S.; requiring name change petitions to include a copy of the petitioner's fingerprints; authorizing the use of such information to determine certain criminal background information concerning the petitioner; providing an exception in circumstances involving the restoration of a former name; requiring the clerk of court to submit certain reports to the Department of Law Enforcement; requiring the Department of Law Enforcement to submit a copy of such reports to the Department of Highway Safety and Motor Vehicles; authorizing the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles to revise or supplement certain information retained by those departments in accordance with such reports; authorizing the Department of Law Enforcement to forward the report to other law enforcement agencies; providing that the petitioner shall bear any cost associated with fingerprinting; reenacting ss. 382.002(13) and 382.016(1)(c), F.S., relating to definitions related to vital statistics and amending certain records concerning live births, respectively, for the purpose of incorporating the amendments to s. 68.07, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **SB 130** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1787** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Clary, by two-thirds vote **HB 951** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; Judiciary; and Rules and Calendar.

On motion by Senator Clary—

**HB 951**—A bill to be entitled An act relating to exemptions from public records and public meetings requirements for the Florida Institute for Human and Machine Cognition, Inc.; creating s. 1004.4472, F.S.; creating an exemption from public records requirements for specified materials, actual and potential trade secrets, patentable material, proprietary information received, generated, ascertained, or discovered during the course of research, business transactions resulting from such research, information received by the corporation or a subsidiary from a person from another state or nation or the Federal Government which is otherwise exempt or confidential, information received by the corporation or a subsidiary which is otherwise confidential and exempt, and identifying information of a donor or prospective donor to the corporation or a subsidiary; providing for specified access to certain information by governmental entities; creating an exemption from public meetings requirements for portions of meetings of the corporation or a subsidiary at which confidential and exempt records are discussed; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 114** and read the second time by title.

Pursuant to Rule 4.19, **HB 951** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Lynn—

**CS for CS for SB 1330**—A bill to be entitled An act relating to instruction for exceptional students; amending s. 1003.57, F.S.; providing guidelines for determining the residency for a student who receives instruction as an exceptional student; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and

services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students; providing applicability; amending s. 1003.58, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1330** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

**SB 1728**—A bill to be entitled An act relating to condominiums and cooperatives; creating s. 718.1085, F.S., and amending s. 719.1055, F.S.; authorizing certain condominiums, condominium associations, cooperatives, and unit owners to opt out of retrofitting requirements with respect to handrails and guardrails; prescribing limits on such authority; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1728** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

**SB 1938**—A bill to be entitled An act relating to retrofitting of common areas of condominiums and cooperatives with fire sprinkler systems; amending ss. 718.112 and 719.1055, F.S.; revising notification and voting procedures with respect to any vote to forego retrofitting of the common areas of condominiums and cooperatives with fire sprinkler systems; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning recommended the following amendment which was moved by Senator Geller and adopted:

**Amendment 1 (511282)**—On page 2, line 25; and on page 4, line 13, delete those lines and insert: *meeting, which notice must include a statement that a* ~~of the~~ *vote to forego retrofitting of the*

Pursuant to Rule 4.19, **SB 1938** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for SB 1790**—A bill to be entitled An act relating to exemptions from liability for governmental property owners or lessees and public employees; amending s. 316.0085, F.S.; including the game of paintball in the exemption from liability granted to governmental property owners or lessees and public employees; requiring governmental entities to post rules indicating that written parental consent is required for minors; revising the exemptions from immunity provided by the act; providing for liability of independent concessionaires or other persons or organizations for certain injuries or damages; providing for the assumption of certain risks; providing requirements for participants in the game of paintball; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Posey:

**Amendment 1 (661808)**—On page 3, line 23, insert:

(6) *In regard to paintball, the immunity provided by this section shall not be applicable unless the governmental entity demonstrates it took precautions to ensure the safety of the participants, including, but not limited to:*

(a) *Implementing safety rules.*

(b) *Informing all participants of all safety rules implemented.*

(c) *Providing adequate supervision by a paid government entity employee of paintball activities.*

(d) *Maintaining the premises in a safe condition.*

(e) *Correcting a dangerous condition which the governmental entity either knew of or should have known of the use of reasonable care.*

(Redesignate subsequent sections.)

On motion by Senator Posey, further consideration of **CS for SB 1790** with pending **Amendment 1 (661808)** was deferred.

On motion by Senator Diaz de la Portilla—

**CS for SB 2588**—A bill to be entitled An act relating to insurance; amending s. 624.425, F.S.; deleting a resident agent requirement for certain property, casualty, and surety insurers; amending s. 624.426, F.S.; conforming provisions; amending s. 624.428, F.S.; providing that a life insurer must deliver policies through a resident or nonresident agent; amending s. 626.025, F.S.; requiring surplus lines agents to comply with consumer protection laws; deleting provisions prohibiting certain actions by nonresident agents, to conform; amending s. 626.741, F.S.; deleting a prohibition against nonresident general lines agents having offices in this state; conforming provisions; amending s. 626.752, F.S.; conforming provisions; amending s. 626.753, F.S.; conforming provisions; repealing s. 626.792(3), F.S.; deleting a prohibition against nonresident life insurance agents having offices in this state; repealing s. 626.835(3), F.S.; deleting a prohibition against nonresident health insurance agents having offices in this state; creating s. 626.9272, F.S.; providing requirements for the licensure of nonresident surplus lines agents; amending s. 626.929, F.S.; conforming provisions; amending s. 626.933, F.S.; allowing the department to authorize the Florida Surplus Lines Service Office to file suit on its behalf; amending s. 626.930, F.S.; conforming provisions; amending s. 626.935, F.S.; providing additional grounds for discipline of licensees; providing an effective date.

—was read the second time by title.

Senator Diaz de la Portilla moved the following amendment which was adopted:

**Amendment 1 (311092)(with title amendment)**—On page 5, delete line 8 and insert:

(1) No life insurer shall deliver or issue for

And the title is amended as follows:

On page 1, lines 7 and 8, delete those lines and insert: F.S.; providing that an insurer must deliver certain policies through a resident or

Pursuant to Rule 4.19, **CS for SB 2588** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

**CS for SB 204**—A bill to be entitled An act relating to burial rights; creating s. 497.310, F.S.; providing for the optional recording of evidence of burial rights; providing for the purpose of recordation; providing for recording fees; amending s. 497.003, F.S.; applying provisions relating to recording of burial rights to all cemeteries in this state; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 204** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

**CS for CS for SB 2882**—A bill to be entitled An act relating to accountability of the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; revising the definition of an eligible student; revising the eligibility requirements of the program to extend the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course under certain circumstances;

providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks be borne by certain parties; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a correspondence or distance learning school; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information and review background checks; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; requiring the State Board of Education to initiate the adoption of rules by a time certain and report to the Legislature; providing exceptions for certain participating private schools subject to specific conditions; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendment:

**Amendment 1 (360654)(with title amendment)**—On page 26, between lines 5 and 6, insert:

Section 4. Section 220.187, Florida Statutes, is amended to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(1) PURPOSE.—The purpose of this section is to:

(a) Encourage private, voluntary contributions to nonprofit scholarship-funding organizations.

(b) Expand educational opportunities for children of families that have limited financial resources.

(c) Enable children in this state to achieve a greater level of excellence in their education.

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

(a) ~~“Department” means the Department of Revenue.~~

(a)(b) ~~“Eligible contribution” means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution. The taxpayer may not contribute more than \$5 million to any single eligible nonprofit scholarship-funding organization.~~

(b)(e) ~~“Eligible private nonpublic school” means a private nonpublic school, as defined in s. 1002.01(2), located in Florida which that offers an education to students in any grades K-12 and that meets the requirements in subsection (6) (f). An eligible private school:~~

1. ~~Must maintain a physical location in this state where each scholarship student regularly attends classes.~~

2. ~~May not be a correspondence school or distance learning school.~~

3. ~~May not direct or provide scholarship funds to a parent of a scholarship student who receives instruction under the program at home.~~

4. ~~May not be a home education program as defined in s. 1002.01(1).~~

(c)(d) ~~“Eligible nonprofit scholarship-funding organization” means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code, incorporated under laws of this state, and that complies with the provisions of subsection (4).~~

(d) ~~“Owner” means the owner, president, chairperson of the board of directors, superintendent, principal, or person with equivalent decision-making authority who owns, operates, or administers an eligible nonprofit scholarship-funding organization or eligible private school. In addition, the term “owner” means an individual who has access to or processes scholarship funds or eligible contributions at an eligible nonprofit scholarship-funding organization or eligible private school.~~

(e) ~~“Qualified student” means a student who qualifies for free or reduced-price school lunches under the National School Lunch Act and who:~~

1. ~~Was counted as a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding;~~

2. ~~Received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year; or~~

3. ~~Is eligible to enter kindergarten or first grade.~~

~~A student is not eligible to receive a scholarship under this section if the student is participating in the Opportunity Scholarship Program under s. 1002.38, the John M. McKay Scholarships for Students with Disabilities Program under s. 1002.39, or a home education program as defined in s. 1002.01(1). A student is not eligible to receive a scholarship from more than one eligible nonprofit scholarship-funding organization at the same time.~~

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(a) ~~There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. However, at least 5 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.~~

(b) ~~The total amount of tax credits and carryforward of tax credits that which may be granted each state fiscal year under this section is \$88~~

million. One percent of the total statewide amount authorized for the tax credit must be reserved for taxpayers who are small businesses as defined in s. 288.703(1) at the time of application.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(d) A taxpayer may rescind its application for tax credit under this section, and the amount approved in the application for tax credit shall become available for purposes of the cap for that state fiscal year under this section to an eligible taxpayer as approved by the Department of Revenue, if the taxpayer receives notice from the Department of Revenue that the rescindment application has been accepted by the Department of Revenue, the taxpayer has not previously rescinded its application for tax credit under this section more than once in the previous 3 tax years, and the taxpayer has not made a contribution pursuant to its approved application for tax credit under this section. Any amount rescinded under this paragraph shall become available to an eligible taxpayer on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the Department of Revenue.

#### (4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(a) An eligible nonprofit scholarship-funding organization shall provide scholarships, from eligible contributions, to qualified students for:

1. Tuition or textbook expenses for, or transportation to, an eligible private nonprofit school. At least 75 percent of each the scholarship funding must be used to pay tuition expenses; or

2. Transportation expenses to a Florida public school that is located outside the district in which the student resides.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(c) The amount of a scholarship provided to any child for any single school year by all eligible nonprofit scholarship-funding organizations from eligible contributions shall not exceed the following annual limits:

1. Three thousand five hundred dollars for a scholarship awarded to a student enrolled in an eligible private nonprofit school.

2. Five hundred dollars for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides.

(d) The amount of an eligible contribution that which may be accepted by an eligible nonprofit scholarship-funding organization is limited to the amount needed to provide scholarships for qualified students that which the organization has identified and for which vacancies in eligible private nonprofit schools have been identified.

(e) An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships in the same state fiscal year in which the contribution was received. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(f) An eligible nonprofit scholarship-funding organization that receives eligible contributions must provide to the Auditor General and the Department of Education, within 180 days after completion of the organization's fiscal year, an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General. The Auditor General shall review all audit reports submitted pursuant to this section. The Auditor General shall request any significant items that were omitted in violation of a rule adopted by the Auditor General. The items must be provided within 45 days after the date of the request. If the nonprofit scholarship-funding organization does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. The Legislative Auditing Committee

may schedule a hearing. If a hearing is scheduled, the committee shall determine if the nonprofit scholarship-funding organization should be subject to further state action. If the committee determines that the nonprofit scholarship-funding organization should be subject to further state action, the committee shall notify the Department of Education, which shall terminate the eligibility of the nonprofit scholarship-funding organization to participate in the program under this section.

(g) An eligible nonprofit scholarship-funding organization shall make payment of the scholarship, at a minimum, on a quarterly basis. Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant or check made payable to the student's parent. If the parent chooses for his or her child to attend an eligible private nonprofit school, the warrant or check must be mailed by the eligible nonprofit scholarship-funding organization to the private nonprofit school of the parent's choice, and the parent shall restrictively endorse the warrant or check to the private nonprofit school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant or check, the parent to whom the warrant or check is made restrictively endorses the warrant or check to the private nonprofit school of the parent's choice for deposit into the account of the private nonprofit school.

(h) An eligible nonprofit scholarship-funding organization may not commingle scholarship funds with any other funds and must maintain a separate account for scholarship funds.

(i) An eligible nonprofit scholarship-funding organization shall obtain verification from a private school of each student's continued attendance at the private school prior to each scholarship payment.

(j) An eligible nonprofit scholarship-funding organization must verify the income of all scholarship applicants participating in the program at least once each school year through independent income documentation as provided in rules of the State Board of Education.

(k) An eligible nonprofit scholarship-funding organization must prepare and submit quarterly reports to the Department of Education pursuant to subsection (8). In addition, an eligible nonprofit scholarship-funding organization must immediately submit to the Department of Education any information requested by the Department of Education relating to the scholarship program.

(l) All owners of a nonprofit scholarship-funding organization shall, upon employment, entry into the contract, or engagement to provide services, undergo background screening pursuant to s. 435.04 by filing with the Department of Education a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the scholarship-funding organization who is trained to take fingerprints. These fingerprints shall be submitted to the Department of Law Enforcement for state processing, which shall in turn submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Education shall screen the background results and report to the scholarship-funding organization any owner who fails to meet level 2 screening standards pursuant to s. 435.04 or any owner who has been convicted of a crime involving moral turpitude. Owners found through fingerprint processing to have been convicted of a crime involving moral turpitude or failing to meet level 2 screening standards pursuant to s. 435.04 may not be employed, contracted with, or engaged to provide services in any position with the scholarship-funding organization. The cost of the background screening may be borne by the scholarship-funding organization or the owner.

1. Every 5 years following employment, entry into a contract, or engagement to provide services with a scholarship-funding organization, each owner must meet level 2 screening requirements as described in s. 435.04, at which time the Department of Education shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening. If the fingerprints of an owner are not retained by the Department of Law Enforcement under subparagraph 2., the owner must file a complete set of fingerprints with the Department of Education. Upon submission of fingerprints for this purpose, the Department of Education shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 2. The cost of the state and federal criminal history check required by level 2 screening may be borne by the scholarship-funding organization or the owner.

Under penalty of perjury, each owner must agree to inform the scholarship-funding organization immediately if convicted of any disqualifying offense while he or she is employed, under contract, or engaged to provide services with the scholarship-funding organization. If it is found that an owner does not meet the level 2 requirements, the owner shall be immediately suspended from working in that capacity and shall remain suspended until final resolution of any appeals.

2. Beginning July 1, 2004, all fingerprints submitted to the Department of Law Enforcement as required by paragraph (l), shall be retained by the Department of Law Enforcement in a manner provided by rule and entered in the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered in the statewide automated fingerprint identification system pursuant to s. 943.051.

3. Beginning December 15, 2004, the Department of Law Enforcement shall search all arrest fingerprint cards received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under subparagraph 2. Any arrest record that is identified with an owner's fingerprints shall be reported to the Department of Education. Each scholarship-funding organization shall participate in this search process by paying an annual fee to the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the employment, contractual status, or engagement status or place of employment, contracting, or engagement of its owners whose fingerprints are retained under subparagraph 2. The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each scholarship-funding organization for performing these searches and establishing the procedures for the retention of owner fingerprints and the dissemination of search results. The fee may be borne by the scholarship-funding organization or by the owner.

(m) An eligible nonprofit scholarship-funding organization must comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(n) An eligible nonprofit scholarship-funding organization or an owner of an eligible nonprofit scholarship-funding organization may not own, operate, or administer an eligible private school participating in the program.

(o) An eligible nonprofit scholarship-funding organization must report to the Department of Education any private school participating in the scholarship program under this section which does not comply with the requirements of the scholarship program. The eligible nonprofit scholarship-funding organization may not provide additional scholarship funds to a parent for a student to attend a private school until the State Board of Education determines that the school is in compliance with this section.

(p) An eligible nonprofit scholarship-funding organization must allow a qualified student to attend any eligible private school and must allow the parent to transfer the scholarship during the school year to another eligible private school of the parent's choice.

(q) An eligible nonprofit scholarship-funding organization must provide a scholarship to a qualified student on a first-come, first-served basis unless the student qualifies for priority pursuant to paragraph (4)(b). An eligible nonprofit scholarship-funding organization may not target scholarships to a particular private school or provide scholarships to a child of an owner.

(r) An eligible nonprofit scholarship-funding organization may not transfer scholarship funds to another eligible nonprofit scholarship-funding organization.

(s) An eligible nonprofit scholarship-funding organization may not secure a promissory note, a line of credit, or other financing to fund a scholarship in anticipation of an eligible contribution. An eligible scholarship-funding organization may only fund scholarships through eligible contributions received under the scholarship program.

(t) A nonprofit scholarship-funding organization that fails to comply with this section may not participate in the scholarship program.

#### (5) PARENT OBLIGATIONS.—

(a) As a condition for scholarship payment pursuant to paragraph (4)(g), if the parent chooses for his or her child to attend an eligible

private ~~nonpublic~~ school, the parent must inform the child's school district within 15 days after such decision.

(b) Any student participating in the scholarship program must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct.

(c) The parent of each student participating in the scholarship program must comply fully with the eligible private school's parental-involvement requirements unless excused by the school for good cause.

(d) Upon receipt of scholarship funds from the eligible nonprofit scholarship-funding organization, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent may not authorize the eligible private school, its owners, or employees to act as an attorney in fact for purposes of endorsing scholarship warrants.

(e) The parent of each qualified student participating in the scholarship program must ensure that the student participates in the required testing pursuant to this section.

(f) A student or parent who fails to comply with this subsection forfeits the scholarship.

#### (6) ELIGIBLE PRIVATE ~~NONPUBLIC~~ SCHOOL OBLIGATIONS.—An eligible private ~~nonpublic~~ school must:

(a) Demonstrate fiscal soundness by ~~filing with being in operation for one school year or provide the Department of Education with a surety bond for the amount equal to the scholarship amount for each quarter of the school year. The surety bond must be filed at the time of the private school's initial registration to participate in the program under this section with the Department of Education and at each annual registration period thereafter for a total of 3 consecutive years. This requirement does not apply to an eligible private school that:~~

1. Has participated in the program for 3 consecutive years or longer; and
2. Has had no action taken by the Department of Education against the private school for any violation of this section for 3 consecutive years or longer.

However, any private school that was subject to an action taken by the Department of Education for any violation of this section shall, following the date on which action was taken against the private school for a violation of this section, but prior to receiving the next quarterly payment, and for 2 additional consecutive years thereafter, file a surety bond with the Department of Education. ~~statement by a certified public accountant confirming that the nonpublic school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.~~

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Comply with all state laws relating to general regulation of private ~~nonpublic~~ schools.

(e) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location. All teachers must hold at least a baccalaureate degree or have at least 3 years' teaching experience in public or private schools or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught. As part of the sworn-compliance form authorized under subsection (7), an eligible private school must report to the Department of Education the number of teachers employed or under contract with the private school, along with the manner in which the teacher meets the requirements of this paragraph.

(f) Annually register with the Department of Education. Each private school must annually provide the following information to the Department of Education:

1. The legal business and trade names, mailing address, and business location of the private school;
2. The legal name, mailing address, and telephone numbers of an owner of the private school;
3. A list of students at the private school receiving a scholarship under this section; and
4. A notification of the private school's intent to participate in the program under this section.

(g) Ensure that all personnel who are hired, contracted, or engaged to provide services to fill positions requiring direct contact with students in the private school, and all owners of a private school shall, upon employment, entry into the contract, engagement to provide services, or assumption of a position of ownership, a position of decisionmaking authority, or a position having access to scholarship funds, undergo background screening pursuant to s. 435.04 by filing with the Department of Education a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school who is trained to take fingerprints. These fingerprints shall be submitted to the Department of Law Enforcement for state processing, which shall in turn submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Education shall screen the background results and report to the private school any person described in this paragraph who fails to meet level 2 screening standards pursuant to s. 435.04 or any person described in this paragraph who has been convicted of a crime involving moral turpitude. Employees, contractors, personnel engaged to provide services, or owners found through fingerprint processing to have been convicted of a crime involving moral turpitude or failing to meet level 2 screening standards pursuant to s. 435.04 may not be employed, contracted with, or engaged to provide services in any position in the private school requiring direct contact with students, and may not assume a position of ownership, a position of decisionmaking authority, or a position having access to scholarship funds. The cost of the background screening may be borne by the private school, the employee, the contractor, the person engaged to provide services, or the owner.

1. Every 5 years each person described in this paragraph must meet level 2 screening requirements as described in s. 435.04, at which time the Department of Education shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening. If the fingerprints of a person described in this paragraph are not retained by the Department of Law Enforcement under subparagraph 2., the person must file a complete set of fingerprints with the Department of Education. Upon submission of fingerprints for this purpose, the Department of Education shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 2. The cost of the state and federal criminal history check required by level 2 screening may be borne by the private school, the employee, the contractor, the person engaged to provide services, or the owner. Under penalty of perjury, each person described in this paragraph must agree to inform the private school immediately if convicted of any disqualifying offense while in a capacity with the private school as described in this paragraph. If it is found that a person described in this paragraph does not meet the level 2 requirements, the person shall be immediately suspended from working in that capacity and shall remain suspended until final resolution of any appeals.

2. Beginning July 1, 2004, all fingerprints submitted to the Department of Law Enforcement as required by this paragraph shall be retained by the Department of Law Enforcement in a manner provided by rule and entered in the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered in the statewide automated fingerprint identification system pursuant to s. 943.051.

3. Beginning December 15, 2004, the Department of Law Enforcement shall search all arrest fingerprint cards received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under subparagraph 2. Any arrest record that is identified with the fingerprints of a person described in this paragraph shall be reported to the Department of Education. Each eligible private school shall participate in this search process by paying an annual fee to

the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the status or place of employment, contracting, or engagement of services of its personnel as described in this paragraph whose fingerprints are retained under subparagraph 2. The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each private school for performing these searches and establishing the procedures for the retention of private school personnel fingerprints and the dissemination of search results. The fee may be borne by the private school, the employee, the contracted person, the person engaged to provide services, or the owner.

(h) Annually administer or make provisions for scholarship students to take the Iowa Test of Basic Skills, the Stanford-9, or the Florida Comprehensive Assessment Test, or subsequent versions of these tests. A participating private school must report a student's scores to the parent and to the independent private research organization selected by the Department of Education pursuant to subsection (7).

(i) Annually comply with the Department of Education's affidavit requirements as provided in subsection (8).

(j) Notify in writing the Department of Education and the nonprofit scholarship-funding organization within 7 days if a student is ineligible to participate in the scholarship program.

(k) Publish and report annually to the Department of Education and distribute to the scholarship applicants if the school has been in existence for 3 years or less.

(l) Publish and report annually to the Department of Education and distribute to the scholarship applicants:

1. Whether the private school is accredited by an in state or regional accrediting association that is validated by a third-party accreditor at the state or national level which has been in existence at least 3 years;

2. The name of the accrediting association that accredits the private school; and

3. Whether the private school is in the process of receiving candidate status.

The Department of Education shall make the annual list of accredited and nonaccredited private schools available to the public and shall make that list available by county.

(m) Comply with this section's requirements. A private school that fails to comply with this section is ineligible to participate in the scholarship program under this section.

(7) DEPARTMENT OF EDUCATION; RESPONSIBILITIES.—The Department of Education must:

(a) Annually submit, by March 15, to the Department of Revenue a list of eligible nonprofit scholarship-funding organizations that meet the requirements of this section.

(b) Annually determine the eligibility of nonprofit scholarship-funding organizations that meet the requirements of this section. The Department of Education must determine the eligibility of the nonprofit scholarship-funding organization within 90 days after the nonprofit scholarship-funding organization's application for approval to participate in the program. The Department of Education must provide written notice of approval or denial to participate in the program to the nonprofit scholarship-funding organization. The notice must contain the specific reasons for approval or denial.

(c) Annually determine the eligibility of private schools that meet the requirements of this section. The Department of Education must maintain a list of eligible private schools, and that list must be made accessible to the public.

(d) Annually verify the eligibility of students that meet the requirements of this section. The Department of Education must maintain a database of students participating in the program. The Department of Education must, at least quarterly, update its database to ensure that a student continues to meet the requirements of this section. The Department of Education must immediately notify an eligible nonprofit scholarship-funding organization of any student that fails to meet the requirements of this section.

(e) Annually account for and verify the eligibility of expenditures under this section.

(f) Annually review all audit reports of nonprofit scholarship-funding organizations for compliance with this section.

(g) Annually submit, administer, and retain records of affidavits from private schools certifying compliance with this section.

(h) Select an independent private research organization to which participating private schools must report the scores of participating students on the Iowa Test of Basic Skills, the Stanford-9, or the Florida Comprehensive Assessment Test, or subsequent versions of these tests administered by the private school. The independent private research organization must annually report to the Department of Education on the year-to-year improvements of the participating students. The independent research organization must analyze and report student performance data, including student scores by grade level, in a manner that protects the rights of students and parents as mandated in 20 U.S.C. s. 1232g and must not disaggregate data to a level that will disclose the identity of students or of private schools. To the extent possible, the independent private research organization must accumulate historical performance data on students from the Department of Education and private schools to describe baseline performance and to conduct longitudinal studies.

(i) Revoke the eligibility of a nonprofit scholarship-funding organization, private school, or student to participate in the program for noncompliance with this section.

(j) Annually report, by December 15, to the Governor, the President of the Senate, and the Speaker of the House of Representatives of the Department of Education's actions with respect to implementing accountability in the scholarship program under this section including, but not limited to, any substantiated allegations or violations of law or rule by a nonprofit scholarship-funding organization or private school under this program and the corrective action taken by the Department of Education.

(8)(7) ADMINISTRATION; RULES.—

(a) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 3 years; however, any taxpayer that seeks to carry forward an unused amount of tax credit must submit an application for allocation of tax credits or carryforward credits as required in paragraph (d) in the year that the taxpayer intends to use the carryforward. The total amount of tax credits and carryforward of tax credits granted each state fiscal year under this section is \$88 million. This carryforward applies to all approved contributions made after January 1, 2002. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the Department of Revenue on forms established by rule of the Department of Revenue.

(c) The Department of Revenue and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. ~~The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d), eligibility of nonpublic schools that meet the requirements of paragraph (2)(e), and eligibility of expenditures under this section as provided in subsection (4).~~

(d) The Department of Revenue shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits and carryforward credits under this section on a first-come, first-served basis.

(e) The State Board of Education ~~Department of Education~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including, but not limited to, rules: ~~necessary to~~

1. Determining ~~determine~~ eligibility of nonprofit scholarship-funding organizations and private schools; ~~as defined in paragraph (2)(d) and according to the provisions of subsection (4) and~~

2. Identifying ~~identify~~ qualified students; ~~as defined in paragraph (2)(e).~~

3. Identifying the documentation required to establish eligibility for nonprofit scholarship-funding organizations;

4. Requiring an affidavit, which comports with this section's requirements for private schools that participate in the scholarship program; and

5. Identifying the independent income-verification documentation required to establish student eligibility under this section.

(f) The State Board of Education may delegate its authority under this section to the Commissioner of Education with the exception of rule-making authority.

(9)(8) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.—All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 17.57(2).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2 through page 4, line 14, delete those lines and insert: An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program to extend the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks be borne by certain parties; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a correspondence or distance learning school; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information and review background checks; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an online list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to

immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; requiring the State Board of Education to initiate the adoption of rules by a time certain and report to the Legislature; providing exceptions for certain participating private schools subject to specific conditions; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing definitions; prohibiting certain private schools and other entities from participating in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting the transfer of an eligible contribution between nonprofit scholarship-funding organizations; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree, 3 years of teaching experience at a public or private school, or other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning

the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the independent private research organization selected by the Department of Education; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; requiring the Department of Education to select an independent private research organization for reporting of student scores; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to annually report on accountability activities; requiring the State Board of Education to adopt rules regarding identification of documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and identification of independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing an effective

#### MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

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

**Amendment 1A (261684)**—On page 14, line 17, delete the first “or” and insert: *and*

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 2882** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

#### RECESS

On motion by Senator Lee, the Senate recessed at 12:05 p.m. to reconvene at 1:15 p.m.

#### AFTERNOON SESSION

The Senate was called to order by the President at 1:23 p.m. A quorum present—40:

Mr. President	Atwater	Carlton
Alexander	Bennett	Clary
Argenziano	Bullard	Constantine
Aronberg	Campbell	Cowin

Crist	Klein	Sebesta
Dawson	Lawson	Siplin
Diaz de la Portilla	Lee	Smith
Dockery	Lynn	Villalobos
Fasano	Margolis	Wasserman Schultz
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise
Hill	Pruitt	
Jones	Saunders	

### SPECIAL ORDER CALENDAR, continued

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

**CS for SB 1790**—A bill to be entitled An act relating to exemptions from liability for governmental property owners or lessees and public employees; amending s. 316.0085, F.S.; including the game of paintball in the exemption from liability granted to governmental property owners or lessees and public employees; requiring governmental entities to post rules indicating that written parental consent is required for minors; revising the exemptions from immunity provided by the act; providing for liability of independent concessionaires or other persons or organizations for certain injuries or damages; providing for the assumption of certain risks; providing requirements for participants in the game of paintball; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (661808)** by the Committee on Judiciary failed.

Pursuant to Rule 4.19, **CS for SB 1790** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

**CS for SB 2334**—A bill to be entitled An act relating to use of illegal nets; amending s. 370.021, F.S.; revising civil and criminal penalties for use of certain illegal fishing nets; providing civil and criminal penalties for flagrant violations; providing a definition; providing for civil penalties for violations of certain statutes considered major violations; reenacting ss. 370.092(3) and (4) and 370.093, F.S., relating to illegal use of nets, to incorporate the amendment to s. 370.021, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2334** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

**CS for CS for SB 1142**—A bill to be entitled An act relating to water resources; amending s. 159.803, F.S.; revising the definition of “priority project”; creating s. 373.227, F.S.; requiring the development of a comprehensive statewide water conservation program for public water supply; establishing the purposes of the program; requiring the creation of a clearinghouse or inventory to provide an integrated database for information on public water supply conservation programs; authorizing public water supply utilities to propose goal-based water conservation plans with measurable goals; providing that goal-based water conservation plans that are developed by public water supply utilities and that provide reasonable assurance of achieving water conservation at least as well as conservation requirements adopted by the appropriate water management district meet water conservation requirements imposed as a condition of obtaining a consumptive use permit; requiring the submission of a report by the Department of Environmental Protection; providing rulemaking authority to the Department of Environmental Protection and the water management districts; amending s. 373.0361, F.S.; providing for a public workshop on the development of regional water supply plans that include the consideration of population projections; providing for a list of water source options in regional water supply plans; providing additional regional water supply plan components; including conservation measures in regional water supply plans; revising specified reporting requirements of the Department of Environmental

Protection; providing that a district water management plan may not be used as criteria for the review of permits for consumptive uses of water unless the plan or applicable portion thereof has been adopted by rule; providing construction; amending s. 373.0831, F.S.; revising the criteria by which water supply development projects may receive priority consideration for funding assistance; providing for permitting and funding of a proposed alternative water supply project identified in the relevant approved regional water supply plan; amending s. 373.1961, F.S.; providing funding priority; providing for the establishment of a revolving loan fund for alternative water supply projects; providing conditions for certain projects to receive funding assistance; amending s. 373.536, F.S.; expanding requirements of the 5-year water resource development work program for water management districts; amending s. 403.064, F.S.; revising provisions relating to reuse feasibility studies; providing for metering use of reclaimed water and volume-based rates therefor; requiring wastewater utilities to submit plans for metering use and volume-based rate structures to the department; creating s. 403.0645, F.S.; requiring certain uses of reclaimed water at state facilities; requiring state agencies and water management districts to submit to the Secretary of Environmental Protection periodic reports concerning reclaimed water use; amending s. 403.1835, F.S.; authorizing the Department of Environmental Protection to make specified deposits for the purpose of enabling below-market interest rate loans for treatment of polluted water; providing for a study of the feasibility of discharging reclaimed wastewater into canals and the aquifer system in a specified area as an environmentally acceptable means of accomplishing described objectives; requiring reports; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendments which were adopted:

**Amendment 1 (083594)**—On page 5, lines 6-8, delete those lines and insert:

(b) *Allow no reduction in, and increase where possible, utility-specific water conservation effectiveness over current programs;*

**Amendment 2 (484390)**—On page 6, line 29, delete “that” and insert:  
*which*

**Amendment 3 (484988)**—On page 10, lines 30 and 31; and on page 11, lines 1-3, delete those lines and insert:

*The water supply development component of a regional water supply plan which deals with or affects public utilities and public water supply for those areas served by a regional water supply authority and its member governments within the boundaries of the Southwest Florida Water Management District shall be developed jointly by the authority and the district.*

**Amendment 4 (185646)**—On page 25, line 6, after the period (.) insert:

*The South Florida Water Management District shall provide the necessary financial and in-kind resources to assist the department in undertaking this study.*

**Amendment 5 (582554)(with title amendment)**—On page 25, lines 22-26, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, delete line 17 and insert: requiring reports;

Pursuant to Rule 4.19, **CS for CS for SB 1142** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

**CS for CS for CS for SB 1218**—A bill to be entitled An act relating to the use of social security numbers in public postsecondary education; creating s. 1004.09, F.S.; prohibiting certain uses of student social secur-

ity numbers by state universities, community colleges, and public post-secondary technical centers; requiring each state university, community college, and public postsecondary technical center to review policies and procedures and submit a plan; requiring each state university, community college, and public postsecondary technical center to annually document compliance in a report; providing for injunctive relief; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1218** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

**CS for SB 860**—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Department of Children and Family Services; providing for the use of funds and the source of funds; providing for review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 860** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

**CS for CS for SB 712**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 73.0155, F.S.; revising a public-records exemption for business records submitted in eminent domain negotiations on business damages; providing for confidentiality; prescribing the information that is confidential and exempt from disclosure; prescribing certain conditions for the confidentiality and exemption; providing for limitations on the confidentiality and exemption; providing for access by employees of an agency; providing a penalty for disclosure; specifying that the information may be offered in evidence; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 712** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bullard—

**CS for SB 418**—A bill to be entitled An act relating to child support enforcement; amending s. 409.2557, F.S.; providing that certain child enforcement demonstration projects are no longer demonstration projects, but local solutions to providing such enforcement; requiring local providers of child support enforcement services to comply with state and federal policies; providing duties and responsibilities of the Department of Revenue regarding funding and compliance monitoring of these child support enforcement services; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 418** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

**SB 226**—A bill to be entitled An act relating to actions against law enforcement officers; providing a short title; amending s. 111.065, F.S.; redefining the term “law enforcement officer” for purposes of the payment of costs and attorney’s fees in certain actions commenced against a law enforcement officer; revising circumstances under which the employing agency of a law enforcement officer has the option of paying legal costs and attorney’s fees in an action arising out of the officer’s official duties; requiring that an officer’s employing agency pay legal costs and attorney’s fees under certain circumstances involving an emergency, imminent death or bodily harm, or the pursuit or apprehension of an

offender; providing for jurisdiction relating to legal costs and attorney’s fees; providing certain limitations of the amount awarded; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 226** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2978** was deferred.

On motion by Senator Fasano—

**SB 120**—A bill to be entitled An act relating to sexual offenders; amending s. 947.1405, F.S.; prohibiting certain sexual offenders subject to conditional release supervision from living within a specified distance of certain places where children congregate; prohibiting the Parole Commission and the Department of Corrections from approving a residence for a releasee which is located within a specified distance of certain places where children congregate; prohibiting district school boards from establishing school bus stops within 1,000 feet of the residence of persons prohibited from living within 1,000 feet of a school bus stop; providing that failure of the district to comply with such provision is not a violation by the resident; creating s. 794.065, F.S.; prohibiting persons convicted of certain sex crimes from residing within 1,000 feet of a school, day care center, park, or playground; amending s. 1006.22, F.S.; requiring district school boards to notify the Department of Corrections regarding school bus stop locations; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendments which were adopted:

**Amendment 1 (932352)(with title amendment)**—On page 2, line 27, after the period (.) insert: *On October 1, 2004, the department shall notify each affected school district of the location of the residence of a releasee 30 days prior to release and thereafter, if the releasee relocates to a new residence, shall notify any affected school district of the residence of the releasee within 30 days after relocation.*

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: requiring the Department of Corrections to notify each school district within a specified time period of the location of the residence of a sexual offender who is subject to conditional release supervision;

#### SENATOR CARLTON PRESIDING

**Amendment 2 (100630)(with title amendment)**—On page 5, lines 10-31, delete section 3 and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 21-24, delete those lines and insert: park, or playground; providing an effective date.

Pursuant to Rule 4.19, **SB 120** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz, by two-thirds vote **HB 941** was withdrawn from the Committees on Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Wasserman Schultz—

**HB 941**—A bill to be entitled An act relating to pari-mutuel wagering; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an

additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term “bona fide organization that promotes or encourages the adoption of greyhounds”; providing an effective date.

—a companion measure, was substituted for **CS for SB 176** and read the second time by title.

Pursuant to Rule 4.19, **HB 941** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Peaden—

**CS for SB 858**—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Department of Health; providing for the use of funds and the source of funds; providing for review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 858** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Margolis—

**CS for CS for CS for SB 446**—A bill to be entitled An act relating to the sale of products containing ephedrine or ephedra; amending s. 499.0121, F.S.; providing recordkeeping requirements relating to the storage and handling of prescription drugs which affiliated groups must fulfill; amending s. 499.033, F.S.; prohibiting the sale or delivery of products containing ephedrine or ephedra over the counter without a prescription, subject to certain exceptions; amending s. 500.04, F.S.; prohibiting the sale or delivery of dietary supplements or other foods containing ephedrine or ephedra; creating the Weight Loss and Athletic Performance Dietary Supplement Review Committee; providing an appropriations; repealing s. 501.0583, F.S., relating to the sale of weight-loss pills containing ephedrine or ephedra products to minors; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

**Amendment 1 (180940)**—On page 2, delete line 10 and insert: *repackagers, which are members of the same affiliated group if:*

*a. The group discloses to the department the names of all the members of the affiliated group, and*

*b. The affiliated group agrees in writing to provide records on prescription drug purchases by the members of the affiliated group not later than 48 hours after the department requests access to such records, regardless of the location of where the records are stored.*

Pursuant to Rule 4.19, **CS for CS for CS for SB 446** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Saunders—

**CS for SB 1368**—A bill to be entitled An act relating to engineering; amending s. 471.007, F.S.; increasing the size of the Board of Professional Engineers from nine to eleven members; specifying the professions of the engineers added to the board; amending s. 471.013, F.S.; directing the board to deem that an applicant for the professional engineering examination has passed the fundamentals examination under specified conditions; amending s. 471.031, F.S.; providing an exemption

from a prohibition against unlicensed persons using the title “engineer”; providing limitations on such exemption; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1368** to **HB 419**.

Pending further consideration of **CS for SB 1368** as amended, on motion by Senator Saunders, by two-thirds vote **HB 419** was withdrawn from the Committees on Regulated Industries; Commerce, Economic Opportunities, and Consumer Services; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Saunders—

**HB 419**—A bill to be entitled An act relating to engineering; amending s. 471.007, F.S.; increasing membership of the Board of Professional Engineers; providing qualifications for the additional members; amending s. 471.013, F.S.; providing an exemption from examination for certain persons; reducing the number of times an applicant may fail either the fundamentals examination or the principles and practice examination; expanding the authority of the board to require additional education as a condition of future eligibility to take the examinations; amending s. 471.031, F.S.; authorizing certain persons who are exempt from licensure as an engineer to use the title or personnel classification of “engineer” under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1368** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 419** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for CS for SJR 2178** was deferred.

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On motion by Senator Margolis—

**SB 1626**—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for a manuscript or other archival material donated to and held by an official archive of a municipality or county and subject to special terms and conditions that limit the right to copy or inspect the manuscript or material; requiring that such a manuscript or other archival material be made available for inspection and copying after a specified period or pursuant to court order; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1626** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Aronberg—

**CS for CS for SB 482**—A bill to be entitled An act relating to consumer protection; creating ss. 501.165 and 501.166, F.S.; prohibiting the use of deception to obtain certain personal information for commercial solicitation purposes; prohibiting the sale or other transfer to a third party of personal customer information that is protected from disclosure; providing exceptions; providing applicability; providing that transferring such protected information in violation of this section is an unfair or deceptive act or practice or unfair method of competition; providing penalties; amending s. 501.2075, F.S.; providing an exception to a civil penalty; creating s. 501.2076, F.S.; prohibiting falsely representing oneself as being affiliated with a law enforcement or firefighting agency or public utility; providing a penalty; providing that a violation of s. 817.568, F.S., is an unfair or deceptive act or practice or unfair method of competition in violation of part II of ch. 501, F.S.; providing penalties; amending ss. 501.203 and 501.204, F.S.; changing obsolete dates; providing an effective date.

—was read the second time by title.

**MOTION**

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment which was adopted:

**Amendment 1 (521898)(with title amendment)**—On page 5, between lines 7 and 8, insert:

Section 8. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 25, after the second semicolon (;) insert: providing severability;

**MOTION**

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment:

**Amendment 2 (100320)(with title amendment)**—On page 5, between lines 7 and 8, insert:

Section 8. Subsection (3) of section 501.207, Florida Statutes, is amended to read:

501.207 Remedies of enforcing authority.—

(3) Upon motion of the enforcing authority or any interested party in any action brought under subsection (1), the court may make appropriate orders, including, but not limited to, appointment of a master or receiver or sequestration or freezing of assets, to reimburse consumers or governmental entities found to have been damaged; to carry out a transaction in accordance with consumers' the reasonable expectations of consumers or governmental entities; to strike or limit the application of clauses of contracts to avoid an unconscionable result; to bring actions in the name of and on behalf of the enterprise; to order any defendant to divest herself or himself of any interest in any enterprise, including real estate; to impose reasonable restrictions upon the future activities of any defendant to impede her or him from engaging in or establishing the same type of endeavor; to order the dissolution or reorganization of any enterprise; or to grant legal, equitable, or other appropriate relief. The court may assess the expenses of a master or receiver against a person who has violated, is violating, or is otherwise likely to violate this part. Any injunctive order, whether temporary or permanent, issued by the court shall be effective throughout the state unless otherwise provided in the order.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 25, after the second semicolon (;) insert: amending s. 501.207, F.S., relating to remedies of the enforcing authority under the Florida Deceptive and Unfair Trade Practices Act; deleting governmental entities from those entitled to court-ordered reimbursement and other remedies under that act; providing that the court may order actions brought under that act on behalf of an enterprise;

**THE PRESIDENT PRESIDING**

**MOTION**

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment to **Amendment 2** which was adopted:

**Amendment 2A (861270)(with title amendment)**—On page 1, lines 24-27, delete those lines and insert: sequestration or freezing of

assets, to reimburse consumers or governmental entities found to have been damaged; to carry out a transaction in accordance with the reasonable expectations of consumers or governmental entities; to strike

And the title is amended as follows:

On page 2, lines 23-25, delete those lines and insert: providing that

**Amendment 2** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 482** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HJR 1** was withdrawn from the Committees on Health, Aging, and Long-Term Care; Judiciary; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

**HJR 1**—A joint resolution proposing the creation of Section 22 of Article X of the State Constitution to provide for parental notification of an abortion on a minor.

—a companion measure, was substituted for **CS for CS for SJR 2178** and read the second time by title.

Senator Diaz de la Portilla moved the following amendment:

**Amendment 1 (115630)(with title amendment)**—Delete everything after the resolving clause and insert:

That the following creation of Section 22 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 2004:

ARTICLE X  
MISCELLANEOUS

*SECTION 22. Parental notice of termination of a minor's pregnancy.—The Legislature shall not limit or deny the privacy right guaranteed to a minor under the United States Constitution as interpreted by the United States Supreme Court. Notwithstanding a minor's right of privacy provided in Section 23 of Article I, the Legislature is authorized to require by general law for notification to a parent or guardian of a minor before the termination of the minor's pregnancy. The Legislature shall provide exceptions to such requirement for notification and shall create a procedure for judicial waiver of the notification.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT  
ARTICLE X, SECTION 22

PARENTAL NOTIFICATION OF A MINOR'S TERMINATION OF PREGNANCY.—Proposing an amendment to the State Constitution to authorize the Legislature to require by general law for notification to a parent or guardian of a minor before the termination of the minor's pregnancy. The amendment provides that the Legislature shall not limit or deny the privacy rights guaranteed to minors under the United States Constitution as interpreted by the United States Supreme Court. The Legislature shall provide exceptions to such requirement for notification and shall create a procedure for judicial waiver of the requirement for notification.

And the title is amended as follows:

Delete everything before the resolving clause and insert: House Joint Resolution No. 1 A joint resolution proposing the creation of Section 22 of Article X of the State Constitution, relating to miscellaneous matters, prohibiting the Legislature from limiting or denying the privacy right guaranteed to a minor under the United States Constitution, as interpreted by the United States Supreme Court, and authorizing the Legislature to enact legislation providing for the notification of a pregnant minor's parent or guardian before termination of the pregnancy and setting requirements and conditions therefor.

## SENATOR CARLTON PRESIDING

## THE PRESIDENT PRESIDING

## MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senators Aronberg, Campbell, Geller, Lawson, Siplin and Smith offered the following substitute amendment which was moved by Senator Aronberg and failed:

**Amendment 2 (894834)**—Delete everything after the enacting clause and insert:

Section 22. *Parental notice of termination of a minor's pregnancy.—The Legislature shall not limit or deny the privacy right guaranteed to a minor under the United States Constitution as interpreted by the United States Supreme Court. Notwithstanding a minor's right of privacy provided in Section 23 of Article I, the Legislature is authorized to require by general law for notification to a parent or guardian of an unemancipated minor no more than 24 hours before the termination of the minor's pregnancy. The Legislature shall provide that such notice shall not be required in the case of a medical emergency where delay will endanger the minor's health or welfare the minor alleges that she has been the victim of sexual or child abuse. The Legislature shall create an expeditious, confidential procedure for judicial waiver of the notification for minors mature enough to provide informed consent or where notification of a parent or guardian is not in the best interest of the minor. The minor may file her petition in any court of competent jurisdiction. The confidential procedure shall provide that the minor may file her petition using a pseudonym, that all records in her case be sealed and that the hearing be held in a closed courtroom from which the public is excluded. The expeditious procedure shall require that a hearing on the minor's petition be held within 49 hours after the time of filing, unless the minor requests otherwise, and that the decision on the petition shall be rendered immediately after the close of the hearing; if the hearing is not held within the foregoing time constraints or the decision is not rendered immediately after the close of the hearing, the minor's petition shall be deemed granted and all costs and filing fees are waived. The minor shall have the right to legal counsel at no charge and an expeditious, confidential appeal. The minor may file a notice of appeal at any time. The appellate courts shall reach a decision on any appeal within three days after the filing of the minor's notice of appeal.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT  
ARTICLE X, SECTION 22  
NOTIFICATION OF A MINOR'S TERMINATION OF  
PREGNANCY.—

Proposing an amendment to the State Constitution to authorize the Legislature to require by future general law without deadline for notification to a parent or guardian of a minor before the termination of the minor's pregnancy. The State Constitution's right to privacy extends to all natural persons, including minors. The Florida Supreme Court has interpreted the right to privacy to protect minor's access to confidential health care. The amendment will remove some of the greater protections that the State Constitution currently provides for minors and increase parental rights, but will not limit or deny the privacy rights guaranteed to minors under the United States Constitution as interpreted by the United States Supreme Court. The Legislature shall provide exceptions to such requirement for notification, as in cases of medical emergency where there is sufficient time for the attending physician to comply with such requirements, and shall create a procedure to bypass the requirement for emancipated or mature minors, minors who are victims of child or sexual abuse, and in cases where a judge determines that the abortion is in the best interest of the child.

The question recurred on **Amendment 1 (115630)**.

## MOTION

On motion by Senator Cowin, the rules were waived to allow the following amendments to be considered:

Senator Cowin moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1A (222210)**—On page 2, line 16, delete "procedure" and insert: process

**Amendment 1B (480650)**—On page 2, line 1, delete "procedure" and insert: process

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **HJR 1** as amended was placed on the calendar of Bills on Third Reading.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Aronberg, by two-thirds vote **SB 2332** was withdrawn from the committees of reference and further consideration.

## RECESS

Senator Lee moved that following the Senate Reunion, the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Thursday, April 15 at 1:00 p.m. or upon call of the President. The motion was adopted and the Senate recessed at 3:27 p.m.

## CALL TO ORDER

The Senate was called to order by the President at 4:00 p.m. A quorum present.

## SENATE REUNION

The following former members of the Senate and their guests, in attendance for the 2004 Senate Reunion, were welcomed by the President: Tom Adams and daughter, Susan; William D. "Wig" Barrow; Malcolm E. Beard and wife, Mary Ellen; Commissioner of Agriculture, Charlie Bronson; John R. Broxson and wife, Christina; Don C. Childers; Congressman Ander Crenshaw and wife, Kitty; Attorney General, Charlie Crist; Timothy D. Deratany; Fred R. Dudley; George Firestone; Pat Frank and daughter, Stacy; Jim Glisson; Edmond J. Gong and wife, Dana Clay; John Grant and wife, Beverley; Bill Gunter and wife, Kathy Atkins Gunter; Commissioner of Education, Jim Horne and daughter, Laura; Mallory E. Horne; Lt. Governor Toni Jennings; Beth Johnson; Karen Johnson; Robert M. "Bob" Johnson and wife, Patricia; Curt Kiser and wife, Sally; Richard H. Langley; Jack Latvala; Franklin B. "Frank" Mann; David H. McClain, and guest, Shelia McDevitt; John M. McKay and wife, Michelle; Tom McPherson and wife, Janet; Representative Matthew J. Meadows and wife, Charley Mae; Kenneth M. Myers and guest, Ann Mackenzie; John Ostalkiewicz and daughter, Becky; Kenneth A. Plante and wife, Sandy; Van B. Poole and wife, Donna; Richard D. "Dick" Renick and wife, Valerie; Cliff S. Reuter and wife, Ann; Debby P. Sanderson; James A. Scott and wife, Janice; Ronald A. "Ron" Silver; Sherrill "Pete" Skinner and wife, Ann; Tom Slade; Bruce A. Smathers and wife, Susan; Javier Souto; Judge W. Thomas Spencer and wife, Patricia; Paul B. Steinberg and wife, Sandra; Representative Donald C. Sullivan, M.D.; Russell E. Sykes, his wife, Jan and daughter, Jordan; John W. Vogt; Judge John T. Ware and wife, Joyce; Judge Peter M. Weinstein and wife, Dr. Barbara Weinstein; and Lori Wilson and daughter, Rhonda.

The following special guests were also welcomed: Terri Jo Barron, widow of former Senator Dempsey J. Barron; Joyce Futch, widow of former Senator Howard E. Futch; Vivian Hill, widow of former Senator John A. Hill; and Marian Lewis, widow of former Senator Tom Lewis.

President King recognized the following former Senate Presidents: Mallory E. Horne, 1972-1974; John W. Vogt, 1986-1988; Gwen Margolis, 1990-1992; Congressman Ander Crenshaw, 1992-1993; James A. Scott, 1994-1996; Lt. Governor Toni Jennings, 1996-2000; and John M. McKay, 2000-2002.

By direction of the President, the Secretary read the names of former Senators who have passed away since the last reunion: Lynwood Arnold, Dempsey J. Barron, Jim Boczar, Wilbur H. Boyd, Doyle E. Carlton, Jr., Dick Fincher, Howard E. Futch, Travis A. Gresham, Horry Hair,

George G. Kirkpatrick, Jr., G. T. "Doc" Melton, Thomas F. "Tom" Lewis, J. B. Rodgers, William H. "Bill" Turner and Thomas P. "Tom" Whitaker. The President then asked the guests to stand and observe a moment of silence in memory of those former Senators.

A video was shown that captured portions of Senate sessions from 1950 through 2000. Following the video presentation, the President recognized former Senators for remarks. Group photographs were taken of former Senate Presidents, and all current and former Senators.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 14, 2004: SB 676, CS for SB 1410, CS for CS for SB 1064, CS for SB 2588, SB 2832, SB 130, CS for CS for SB 114, CS for CS for SB 1330, SB 1728, SB 1938, CS for SB 1790, CS for SB 204, CS for CS for SB 2882, CS for SB 2334, CS for CS for SB 1142, CS for CS for CS for SB 1218, CS for SB 860, CS for CS for SB 712, CS for SB 418, SB 226, CS for CS for SB 2978, SB 120, CS for SB 176, CS for SB 858, CS for CS for CS for SB 446, CS for SB 1368, CS for CS for SJR 2178, SB 1626, CS for CS for SB 482

Respectfully submitted,  
Tom Lee, Chair

The Committee on Judiciary recommends the following pass: SB 1688, SB 1952

**The bills were referred to the Appropriations Subcommittee on Article V Implementation and Judiciary under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 2426, SB 3078

The Committee on Judiciary recommends the following pass: SB 142, CS for SB 2552, SB 2574 with 1 amendment, CS for SB 2632

**The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Criminal Justice under the original reference.**

The Committee on Criminal Justice recommends the following pass: CS for SB 2326, CS for SB 2986 with 1 amendment

The Committee on Education recommends the following pass: SB 2810

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 300

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

The Committee on Finance and Taxation recommends the following pass: CS for SB 96, CS for SB 174, CS for SB 1714

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 3010 with 1 amendment

The Committee on Health, Aging, and Long-Term Care recommends the following pass: SB 1102

The Committee on Judiciary recommends the following pass: SB 2132 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: CS for SB 2716

The Committee on Criminal Justice recommends the following pass: CS for SB 2136 with 1 amendment, CS for SB 2448 with 2 amendments

The Committee on Judiciary recommends the following pass: CS for SB 2842

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

The Committee on Criminal Justice recommends the following pass: CS for SB 1470

The Committee on Finance and Taxation recommends the following pass: CS for SB 620, CS for SB 1172

**The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Transportation and Economic Development under the original reference.**

The Committee on Children and Families recommends the following pass: SB 2688

The Committee on Judiciary recommends the following pass: SB 3012

**The bills contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.**

The Committee on Judiciary recommends the following pass: SB 2924 with 1 amendment

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2718

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

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: SB 216

The Committee on Judiciary recommends the following pass: SB 3072

The Committee on Transportation recommends the following pass: SB 1488

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

The Committee on Judiciary recommends the following pass: SB 2762

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

The Committee on Health, Aging, and Long-Term Care recommends the following pass: CS for SB 1140

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

The Committee on Banking and Insurance recommends the following pass: SB 1386

The Committee on Children and Families recommends the following pass: SB 2730

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: SB 2976

The Committee on Criminal Justice recommends the following pass: CS for SB 1496 with 1 amendment

The Committee on Education recommends the following pass: SB 38

The Committee on Health, Aging, and Long-Term Care recommends the following pass: SB 2912

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

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The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: SB 2950

The Committee on Criminal Justice recommends the following pass: SB 2436, CS for SB 2704 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 2086, CS for SB 3006

The Committee on Natural Resources recommends the following pass: SB 2158

**The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.**

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The Committee on Education recommends the following pass: SB 3030

**The bill was referred to the Committee on Health, Aging, and Long-Term Care under the original reference.**

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The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: SB 2942

The Committee on Criminal Justice recommends the following pass: SB 224, CS for SB 1192, SB 1962, SB 2594, SB 2680

The Committee on Education recommends the following pass: SB 1592

The Committee on Ethics and Elections recommends the following pass: SB 2890 with 1 amendment

The Committee on Health, Aging, and Long-Term Care recommends the following pass: CS for SB 1664, SB 2306

The Committee on Regulated Industries recommends the following pass: SB 2754

The Committee on Transportation recommends the following pass: SB 2692

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

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The Committee on Judiciary recommends the following pass: CS for SB 544 with 1 amendment, SB 2666 with 1 amendment

**The bills were referred to the Committee on Regulated Industries under the original reference.**

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The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: SR 3092, SM 3100

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2922

The Committee on Health, Aging, and Long-Term Care recommends the following pass: CS for SB 704

**The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.**

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The Committee on Criminal Justice recommends the following pass: SB 2030 with 2 amendments

The Committee on Judiciary recommends the following pass: CS for SB 2472

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

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The Committee on Agriculture recommends the following pass: CS for SB 1394

The Committee on Banking and Insurance recommends the following pass: CS for SB 2088.

The Committee on Criminal Justice recommends the following pass: CS for SB 694 with 2 amendments, CS for SB 2562, SB 2714

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 2342

The Committee on Health, Aging, and Long-Term Care recommends the following pass: HB 1803

The Committee on Judiciary recommends the following pass: CS for SB 1300 with 1 amendment, CS for SB 1568, SB 1792, CS for SB 1928 with 1 amendment, SB 2046, SB 2056, SB 2484, CS for SB 2566 with 1 amendment

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

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The Committee on Judiciary recommends a committee substitute for the following: CS for SB 288

**The bill with committee substitute attached was referred to the Appropriations Subcommittee on Article V Implementation and Judiciary under the original reference.**

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The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2336

**The bill with committee substitute attached was referred to the Appropriations Subcommittee on Criminal Justice under the original reference.**

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The Committee on Education recommends committee substitutes for the following: SB 1302, SB 3036

**The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Education under the original reference.**

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The Committee on Finance and Taxation recommends a committee substitute for the following: CS for SB 1982

**The bill with committee substitute attached was referred to the Appropriations Subcommittee on General Government under the original reference.**

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The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB 2910

The Committee on Children and Families recommends a committee substitute for the following: SB 1280

The Committee on Health, Aging, and Long-Term Care recommends committee substitutes for the following: SB 560, CS for SB 2098, SB 2330, CS for SB 2466, CS for SB 2894

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

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The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2946

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 3004

The Committee on Transportation recommends a committee substitute for the following: CS for SB 2698

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Transportation and Economic Development under the original reference.**

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The Committee on Regulated Industries recommends a committee substitute for the following: SB 2984

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

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The Committee on Agriculture recommends a committee substitute for the following: SB 1418

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 684

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

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The Committee on Commerce, Economic Opportunities, and Consumer Services recommends a committee substitute for the following: SB 598

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2488

The Committee on Judiciary recommends a committee substitute for the following: SB 2826

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

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The Committee on Education recommends committee substitutes for the following: Senate Bills 332, 1912 and 2678, SB 1974

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2920

The Committee on Natural Resources recommends a committee substitute for the following: CS for SB 1174

The Committee on Regulated Industries recommends committee substitutes for the following: SB 2248, SB 2498

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.**

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The Committee on Commerce, Economic Opportunities, and Consumer Services recommends a committee substitute for the following: CS for SB 2682

The Committee on Criminal Justice recommends committee substitutes for the following: SB 2284, SB 2782

The Committee on Ethics and Elections recommends committee substitutes for the following: SJR 2898, SB 3004

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1946

The Committee on Regulated Industries recommends committee substitutes for the following: CS for SB 298, SB 3046

The Committee on Transportation recommends a committee substitute for the following: SB 2700

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

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The Committee on Commerce, Economic Opportunities, and Consumer Services recommends a committee substitute for the following: CS for SB 2038

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 2372, CS for SB 2520, SB 2720

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 284, CS for SB 1380, CS for SB 1764, SB 1788

The Committee on Natural Resources recommends a committee substitute for the following: SB 2802

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

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## REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Article V Implementation and Judiciary recommends the following pass: CS for SB 602, CS for CS for CS for SB 700 with 7 amendments

The Appropriations Subcommittee on Criminal Justice recommends the following pass: SB 1684, CS for SB 1696, SB 2198

The Appropriations Subcommittee on Education recommends the following pass: SB 1440

The Appropriations Subcommittee on General Government recommends the following pass: SB 2016 with 1 amendment, CS for CS for SB 2026

The Appropriations Subcommittee on Health and Human Services recommends the following pass: CS for CS for CS for SB 1698, CS for SB 1760, CS for SB 2022, CS for SB 2842

The Appropriations Subcommittee on Transportation and Economic Development recommends the following pass: SB 314, SB 1198, CS for SB 1414, CS for SB 1494

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

The Appropriations Subcommittee on Education recommends committee substitutes for the following: CS for SB 354, CS for SB 2884, CS for SB 3036

The Appropriations Subcommittee on General Government recommends committee substitutes for the following: CS for CS for SB 160, SB 338, CS for SB 562, CS for CS for SB 1104, CS for SB 1712, CS for SB 2822, CS for CS for SB 2954

The Appropriations Subcommittee on Health and Human Services recommends committee substitutes for the following: CS for SB 1178, CS for CS for CS for SB 1372, CS for CS for SB 1706, CS for CS for SB 1748, CS for SB 2170, CS for SB 2216, CS for CS for SB 2910

The Appropriations Subcommittee on Transportation and Economic Development recommends committee substitutes for the following: CS for CS for SB 708, CS for CS for SB 1214, CS for CS for CS for SB 1316, CS for SB 2042

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

**REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS**

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends that the Senate confirm the following appointments made by the Governor:

*Office and Appointment* *For Term Ending*

Board of Directors, Enterprise Florida, Inc.  
Appointee: J. Patrick Michaels, Jr. 10/10/2007

The Committee on Criminal Justice recommends that the Senate confirm the following appointments made by the Governor:

*Office and Appointment* *For Term Ending*

Parole Commission  
Appointee: Tena M. Pate 06/30/2004

The Committee on Education recommends that the Senate confirm the following appointments made by the Governor:

*Office and Appointment* *For Term Ending*

State Board of Education  
Appointee: Linda K. Taylor 12/31/2005

Board of Governors  
Appointees: Ava L. Parker 01/06/2010  
Castell Vaughn Bryant 01/06/2006  
M. Lynn Pappas 01/06/2005  
Peter S. Rummell 01/06/2006  
Shelia M. McDevitt 01/06/2010

Board of Trustees, Florida A & M University  
Appointees: Alberto R. Cardenas 01/06/2008  
C. W. Jennings 01/06/2008  
Challis M. Lowe 01/06/2006  
Laura Branker 01/06/2005  
Leerie T. Jenkins, Jr. 01/06/2006  
R. B. Holmes, Jr. 01/06/2006  
Randall W. Hanna 01/06/2005  
Regina Benjamin 01/06/2005

Board of Trustees, Florida Atlantic University  
Appointees: Bruce S. Warshal 01/06/2005  
George C. Zoley 01/06/2008  
Geraldine "Gerri" P. McPherson 01/06/2006

*Office and Appointment*

*For Term Ending*

Norman D. Tripp 01/06/2005  
William J. Bryant 01/06/2006

Board of Trustees, University of Central Florida  
Appointees: Harris Rosen 01/06/2008  
Patrick T. Christiansen 01/06/2005  
Richard H. Lee 01/06/2005  
Richard J. Walsh 01/06/2006  
Thomas H. Yochum 01/06/2006

Board of Trustees, Florida State University  
Appointees: David B. Ford 01/06/2006  
Derrick Brooks 01/06/2005  
Elizabeth Ann McGee 01/06/2008  
Harold M. Knowles 01/06/2005  
J. Stanley Marshall 01/06/2005  
Jessie Furlow 01/06/2005  
Manuel A. Garcia III 01/06/2006

Board of Trustees, Florida Gulf Coast University  
Appointees: Brian E. Cobb 01/06/2006  
David Lucas 01/06/2005  
Edward A. Morton 01/06/2008  
Harry K. Moon 01/06/2006  
Jerry Starkey 01/06/2006  
Plutarco M. Villalobos 01/06/2005  
W. Bernard Lester 01/06/2005

Board of Trustees, Florida International University  
Appointees: Betsy Atkins 01/06/2005  
David R. Parker 01/06/2005  
Herbert A. Wertheim 01/06/2008  
Miriam Lopez 01/06/2006  
Rosa Sugranes 01/06/2006

Board of Trustees, New College of Florida  
Appointees: Jerome Dupree 01/06/2006  
John M. Cranor III 01/06/2008  
Kenneth R. Misemer 01/06/2006  
Raymond E. Mason, Jr. 01/06/2005  
Robert N. Allen, Jr. 01/06/2005  
Warren P. Hudson 01/06/2005

Board of Trustees, University of Florida  
Appointees: Albert W. Thweatt 01/06/2005  
Alfred C. Warrington IV 01/06/2008  
C. David Brown II 01/06/2008  
Carlos J. Alfonso 01/06/2006  
Cynthia F. O'Connell 01/06/2006  
Dianna Morgan 01/06/2006  
Earl W. Powell 01/06/2005  
Joelen K. Merkel 01/06/2005  
W. A. McGriff III 01/06/2006

Board of Trustees, University of North Florida  
Appointees: Ann Curry Hicks 01/06/2006  
Edythe M. Abdullah 01/06/2005  
Kevin M. Twomey 01/06/2008  
Luther W. Coggin 01/06/2005  
Steven T. Halverson 01/06/2005  
T. O'Neal Douglas 01/06/2006  
Toni Crawford 01/06/2006

Board of Trustees, University of South Florida  
Appointees: Ann Wilkins Duncan 01/06/2006  
Debbie Nye Sembler 01/06/2006  
Kiran C. Patel 01/06/2005  
Lee E. Arnold, Jr. 01/06/2006  
Rhea F. Law 01/06/2008  
Richard A. Beard III 01/06/2008  
Robert Soran 01/06/2005  
Sonja W. Garcia 01/06/2005  
Steven G. Burton 01/06/2005

Board of Trustees, University of West Florida  
Appointees: Charles A. Horner 01/06/2008  
Eddie E. Phillips 01/06/2005

*Office and Appointment*

Honor M. Bell	01/06/2005
J. Collier Merrill	01/06/2008
JoAnn H. Morgan	01/06/2006
Kenneth C. Clark	01/06/2006
Roy W. Smith, Jr.	01/06/2005

The Committee on Natural Resources recommends that the Senate confirm the following appointments made by the Governor:

*Office and Appointment*

Governing Board of the Northwest Florida Water Management District	
Appointees:	
Paul R. Bradshaw	03/01/2008
Sharon T. Gaskin	03/01/2008
Governing Board of the St. Johns River Water Management District	
Appointees:	
Duane L. Ottenstroer	03/01/2008
William W. Kerr	03/01/2008
Governing Board of the South Florida Water Management District	
Appointees:	
Harkley R. Thornton	03/01/2008
Nicolas J. Gutierrez, Jr.	03/01/2008
Governing Board of the Suwannee River Water Management District	
Appointees:	
Kelby E. Andrews	03/01/2008
Sylvia J. Tatum	03/01/2008

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

**REPORTS OF SPECIAL MASTER ON EXECUTIVE SUSPENSIONS**

Faye W. Blanton April 7, 2004  
Secretary of the Senate

Dear Madam Secretary:

The following executive suspension was referred to me as Senate Special Master on February 17, 2004, for action pursuant to Senate Rule 12.7.

Dwayne B. Walker, Sheriff, Lafayette County

On March 22, 2004, Sheriff Walker resigned effective April 28, 2003.

Based on the foregoing, I advise and recommend that the Senate take no action on the above-named suspension during the 2004 Regular Session of the Florida Legislature. The matter is closed.

Respectfully submitted,  
D. Stephen Kahn, Special Master

**INTRODUCTION AND REFERENCE OF BILLS**

**FIRST READING**

**SR 3104**—Not referenced.

By Senator Villalobos—

**SB 3106**—A bill to be entitled An act relating to juvenile justice; creating s. 985.001, F.S., relating to purposes and intent for the chapter; amending and redesignating provisions of s. 985.01, F.S., relating to such purposes and intent; deleting references to personnel standards and screening and the authority of the Department of Juvenile Justice to enter into certain contracts; creating s. 985.002, F.S., relating to the

legislative intent for the juvenile justice system; amending and redesignating s. 985.02, F.S.; revising a reference and a cross-reference to conform; creating s. 985.003, F.S., relating to definitions for the chapter; amending and redesignating s. 985.03, F.S.; deleting the definition of the term “detention center or facility”; redesignating provisions that provide definitions for the terms “child eligible for an intensive residential treatment program for offenders less than 13 years of age,” “juvenile sex offender,” “serious or habitual juvenile offender,” and “serious or habitual juvenile offender program”; revising a reference and cross-references to conform; creating s. 985.0201, F.S., relating to the jurisdiction of the juvenile court; amending and redesignating s. 985.201, F.S.; amending and redesignating a provision of s. 985.219, F.S., relating to such jurisdiction; revising references and cross-references to conform; creating s. 985.0202, F.S., relating to legal representation for delinquency cases; redesignating s. 985.202, F.S.; creating s. 985.0203, F.S., relating to the right to counsel; amending and redesignating s. 985.203, F.S., and s. 985.203, F.S., as amended by ch. 2002-402, Laws of Florida; revising references to conform; creating s. 985.0205, F.S., relating to open hearings; redesignating s. 985.205, F.S.; creating s. 985.0206, F.S., relating to the rights of victims in juvenile proceedings; amending and redesignating s. 985.206, F.S.; providing for the release to victims of certain information; creating s. 985.0216, F.S., relating to punishment for contempt of court and alternative sanctions; amending and redesignating s. 985.216, F.S.; deleting a provision authorizing the secure placement of a child in need of services as a sanction for contempt of court; revising a cross-reference to conform; creating s. 985.2104, F.S., relating to oaths, records, and confidential information; amending and redesignating s. 985.04, F.S.; clarifying a provision related to the release of certain information; revising references and cross-references to conform; creating s. 985.2105, F.S., relating to court records; amending and redesignating s. 985.05, F.S.; revising references and cross-references to conform; creating s. 985.2106, F.S., relating to the statewide information-sharing system and interagency workgroup; redesignating s. 985.06, F.S.; creating s. 985.2108, F.S., relating to information systems; redesignating s. 985.08, F.S.; creating s. 985.3207, F.S., relating to taking a child into custody; amending and redesignating s. 985.207, F.S.; redesignating a provision of s. 985.215, F.S., relating to transporting a child who has been taken into custody; revising a reference and cross-references to conform; creating s. 985.32075, F.S., relating to youth custody officers; redesignating s. 985.2075, F.S.; creating s. 985.3212, F.S., relating to fingerprinting and photographing; amending and redesignating s. 985.212, F.S.; revising a cross-reference to conform; creating s. 985.32211, F.S., relating to release or delivery from custody; amending and redesignating provisions of s. 985.211, F.S., relating to such release or delivery; revising cross-references to conform; creating s. 985.3301, F.S., relating to civil citations; amending and redesignating s. 985.301, F.S.; revising a cross-reference to conform; creating s. 985.33065, F.S., relating to prearrest or postarrest diversion programs; redesignating s. 985.3065, F.S.; creating s. 985.3307, F.S., relating to probable cause affidavits; amending and redesignating provisions of s. 985.211, F.S., relating to probable cause affidavits and certain requirements upon the taking of a child into custody; revising cross-references to conform; creating s. 985.33209, F.S., relating to juvenile assessment centers; redesignating s. 985.209, F.S.; creating s. 985.3321, F.S., relating to the intake and case-management system; amending and redesignating provisions of s. 985.21, F.S., relating to intake and case-management; revising cross-references to conform; creating s. 985.33212, F.S., relating to the responsibilities of the juvenile probation officer during intake and to screenings and assessments; amending and redesignating provisions of s. 985.21, F.S., relating to such responsibilities, screenings, and assessments; revising cross-references to conform; creating s. 985.33213, F.S., relating to filing decisions in juvenile cases; redesignating and amending provisions of s. 985.21, F.S., relating to such decisions; revising cross-references to conform; creating s. 985.33303, F.S., relating to neighborhood restorative justice; redesignating s. 985.303, F.S.; creating s. 985.33304, F.S., relating to community arbitration; redesignating and amending s. 985.304; F.S.; revising a reference to conform; creating s. 985.4224, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examination and treatment; providing for the use of information gathered through the intake and case-management system; redesignating s. 985.224, F.S.; redesignating a provision of s. 985.215, F.S., relating to comprehensive evaluations of certain youth; creating s. 985.4229, F.S., relating to evaluations for dispositions; providing for the use of information gathered through the intake and case-management system; redesignating provisions of s. 985.229, F.S., relating to such evaluations; creating s. 985.44223, F.S., relating to incompetency in juvenile delinquency cases; redesignating s. 985.223, F.S.; providing effective dates.

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

By Senator Fasano—

**SB 3108**—A bill to be entitled An act relating to the City of Weeki Wachee, Hernando County; prohibiting the City of Weeki Wachee from exercising the right of eminent domain; prohibiting the annexation of land; limiting the amount of ad valorem taxes that may be assessed; providing for rules governing municipal elections; transferring responsibility for city finances to the Clerk of the Circuit Court of Hernando County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Alexander—

**SB 3110**—A bill to be entitled An act relating to Hardee County; creating the Hardee County Economic Development Authority; providing a purpose; providing definitions; providing for composition and procedures; proving powers; providing for an office and staffing, including legal assistance and reimbursement to the county therefor; providing that the Chief Financial Officer transfer certain funds levied as an excise tax upon the severance of phosphate rock to the authority; providing duties for the Clerk of the Circuit Court; providing for grants, including application, review, and awards; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Bullard—

**SB 3112**—A bill to be entitled An act relating to Monroe County; amending chapter 99-395, Laws of Florida, as amended; revising provisions relating to interim construction standards for new, expanded, or existing onsite sewage treatment and disposal systems scheduled to be served by a central sewage facility before July 1, 2010; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Carlton—

**SB 3114**—A bill to be entitled An act relating to the Englewood Water District, Charlotte and Sarasota Counties; codifying, amending, reenacting, and repealing the district’s special acts; establishing boundaries; providing definitions; providing for election of a board of supervisors to govern said district; providing powers, authority, and duties of the board; granting to said governing board the authority in the territory defined to construct, acquire, extend, enlarge, reconstruct, improve, maintain, equip, repair, and operate a water system, wastewater system, or wastewater reuse system, or any combination thereof; authorizing the levy and collection of non-ad valorem assessments on property benefited by the construction of such water system, wastewater system, or wastewater reuse system, or combined systems; providing for optional methods of financing the cost of the water system, wastewater system, or wastewater reuse system or combined systems or extensions and additions thereto by the issuance of revenue bonds or assessment bonds or any combination thereof and the fixing and collection thereof and the fixing and collection of rates and charges on users of such systems; providing for the levy and collection of non-ad valorem assessments on benefited property and the pledge of such assessments for the payment of any revenue bonds, or assessment bonds; providing for the rights, remedies, and security of any of the holders of said bonds; providing

penalties; repealing chapters 59-931, 67-811, 71-480, 85-406, 86-420, 89-400, 90-408, 91-357, 92-271, 94-437, and 96-499, Laws of Florida, relating to the Englewood Water District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bullard—

**SB 3116**—A bill to be entitled An act relating to the Florida Keys Aqueduct Authority, Monroe County; providing for codification of special laws relating to the Florida Keys Aqueduct Authority; providing legislative intent; codifying, repealing, amending, and reenacting chapters 18530 (1937), 21230 (1941), 21328 (1941), 23277 (1945), 26039 (1949), 27757 (1951), 29297 (1953), 29301 (1953), 31010 (1955), 31011 (1955), 31012 (1955), 57-1589, 59-1581, 63-1644, 63-1648, 70-810, 71-778, 75-442, 75-449, 76-441, 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and 2003-327, Laws of Florida; providing for liberal construction; providing a savings clause in the event any provision of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Haridopolos—

**SB 3118**—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; increasing the amount for which the Canaveral Port Authority may encumber personal properties and facilities of the authority; increasing the amount for which contracts for construction, improvement, repair, or building may be entered into or goods, supplies, or materials may be purchased by the district or authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Crist—

**SB 3120**—A bill to be entitled An act relating to Meadow Pointe and Meadow Pointe II Community Development Districts, Pasco County; requiring owners to submit building plans to the district board under certain circumstances; permitting architectural review by each district board; providing for the enforcement of deed restrictions within each district; providing penalties; excluding certain villages from the provisions of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

**SB 3122**—A bill to be entitled An act relating to the Lee County Trauma Services District, an independent district; amending s. 3 of chapter 2003-357, Laws of Florida; authorizing the Board of Directors of the Lee County Trauma Services District to seek passage of a voter-approved trauma center sales surtax; providing the amount of the surtax; providing for the repeal or readoption of the surtax; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Argenziano—

**SB 3124**—A bill to be entitled An act relating to Columbia County; providing for career service for members of the Columbia County Sher-

iff's Office; providing for application of the act, career status of members, and administration; providing for a procedure with respect to complaints against members; providing for appeals; providing for certain protections during the transition of a new Sheriff; providing for a Career Service Appeal Board; providing for status as career members; prohibiting certain actions to circumvent the act; providing for exclusions; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Posey—

**SB 3126**—A bill to be entitled An act relating to the City of Melbourne, Brevard County; extending and enlarging the corporate limits of the City of Melbourne to include specified unincorporated lands within said corporate limits; providing for the transfer of certain roads; providing for the application of municipal powers over the land annexed; providing that the annexation shall not abrogate certain contracts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Bullard—

**SB 3128**—A bill to be entitled An act relating to Monroe County; amending chapter 2002-337, Laws of Florida, as amended; providing conditions for use of certain funds by the Key Largo Wastewater Treatment District; revising provisions relating to vacancies on the governing board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Alexander—

**SB 3130**—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, and amending chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for minimum charter requirements; providing for provisions of other laws made applicable; providing for ratification of prior actions; repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; 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.

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By Senator Sebesta—

**SB 3132**—A bill to be entitled An act relating to Hillsborough County; providing definitions; providing purpose; authorizing purchases of goods and services by the county and other public bodies operating in the county under bids submitted to other federal, state, and local governmental entities; providing conditions; providing an exemption; providing construction; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations; Judiciary; Children and Families; and Senator Lynn—

**CS for CS for CS for SB 160**—A bill to be entitled An act relating to child support; amending s. 61.046, F.S.; redefining the term “support order” for purposes of ch. 61, F.S., to include an order of an administrative agency; amending s. 61.13, F.S.; deleting the requirement that a child support order include the minor’s social security number; amending s. 61.1301, F.S.; providing for continuation of a support obligation at the same amount after emancipation until any arrearage is satisfied; providing for application to support orders or income or income deduction orders entered before, on, or after July 1, 2004; requiring an obligor contesting an income deduction order rendered by the Title IV-D agency to file the petition with the Title IV-D agency; amending s. 61.14, F.S.; providing for the termination of the current child support obligation when the child emancipates unless certain conditions occur; providing for continuation of a support obligation at the same amount after emancipation until any arrearage is satisfied; providing for application to support orders entered before, on, or after July 1, 2004; amending s. 61.181, F.S.; requiring the clerk of the court to establish an account for interstate cases; amending s. 61.1814, F.S.; providing for types of moneys to be deposited into the Child Support Enforcement Application and Program Revenue Trust Fund; providing for the use of moneys deposited into the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 120.80, F.S.; providing for the location of an administrative hearing; amending ss. 382.013 and 382.016, F.S.; permitting voluntary acknowledgments of paternity which are witnessed; amending s. 409.2558, F.S.; providing for a notice to the noncustodial parent in applying an undistributable support collection to another support order; amending s. 409.2561, F.S.; providing for the Department of Revenue to establish the obligation of support; amending s. 409.2563, F.S.; providing for the noncustodial parent to request that the Department of Revenue proceed in circuit court to determine the support obligation; revising the requirements under which a noncustodial parent may petition the circuit court to determine the support obligation; providing that the Department of Revenue is a party to court action only with respect to issues of support; providing for the assignment of an account number with the depository upon initiating establishment of an administrative support order; revising the due date for an evaluation by the Office of Program Policy Analysis and Government Accountability; amending s. 409.25656, F.S.; providing for the recovery of fees in liquidating securities for the support owed; creating s. 409.25659, F.S.; providing for insurance claim data exchange; providing definitions; authorizing an insurer to participate in the data match system; providing for the payment of a fee to the insurer; providing limited immunity to the insurer; limiting the use of the data obtained by insurers from the department; providing rulemaking authority; amending s. 409.257, F.S.; permitting the use of any means of service of process under ch. 48, F.S.; amending s. 409.2572, F.S.; revising the definition of noncooperation or failure to cooperate as applied to an applicant for or a recipient of public assistance; substituting the use of DNA sample for drawing a blood sample to confirm paternity; amending s. 409.259, F.S.; revising the manner of reimbursement to the clerk of the court for court filings in Title IV-D cases; amending s. 409.2598, F.S.; providing definitions; providing for the suspension of licenses under specified circumstances; amending s. 742.10, F.S.; permitting voluntary acknowledgments of paternity which are witnessed; providing legislative intent to address the child support issues of incarcerated noncustodial parents to improve their ability to meet child support obligations; requiring the Department of Revenue, with the assistance of the Department of Corrections, to identify inmates with child support obligations; requiring the Department of Corrections and Department of Revenue to jointly develop a plan to facilitate child support payment from incarcerated noncustodial parents upon release; providing for the minimum requirements of the plan; requires reports to the Governor and Legislature; providing effective dates.

By the Committees on Judiciary; Communication and Public Utilities; and Senator Aronberg—

**CS for CS for SB 284**—A bill to be entitled An act relating to video voyeurism; creating s. 810.145, F.S.; providing definitions; prohibiting

a person from secretly viewing, recording, or broadcasting images of another person for the purpose of entertainment, sexual arousal, profit, or abuse when that other person is in a location that provides a reasonable expectation of privacy; prohibiting a person from secretly filming, recording, or broadcasting images of another person under or through that other person's clothing for the purpose of viewing that other person's body or undergarments without knowledge and consent of the person viewed; prohibiting a person from disseminating images when the person disseminating the images knows or has reason to believe that the images were recorded in violation of law; prohibiting a person from selling images to another for consideration when the person selling the images knows or has reason to believe that the images were recorded in violation of law; prohibiting a person from disseminating images that were recorded in violation of law to another person for that person to sell the images to others; providing for certain exceptions; providing criminal penalties; defining a previous conviction or adjudication of delinquency; amending s. 932.701, F.S.; defining the term "contraband article" to include any imaging equipment, format, or device used in violation of law; amending s. 932.7055, F.S.; requiring agencies seizing images of persons recorded in violation of law to destroy the images; providing that the seizing agency may not retain or sell the images; amending s. 932.707, F.S.; conforming a cross-reference; reenacting ss. 705.101(6) and 932.703(4), F.S., relating to definitions of lost or abandoned property and the seizure of a vessel, motor vehicle, aircraft, other personal property, or real property in or on which a contraband article is located, to incorporate the amendment to s. 932.701, F.S., in references thereto; amending s. 877.26, F.S.; providing a limited exception to a prohibition against a merchant observing customers in dressing, fitting, or changing rooms or restrooms; providing an effective date.

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By the Committees on Judiciary; Criminal Justice; and Senator Lynn—

**CS for CS for SB 288**—A bill to be entitled An act relating to the right to a speedy trial; creating s. 918.0151, F.S.; creating time limits within which a person charged with a crime by information or indictment must be brought to trial; permitting state attorneys to file a demand for a speedy trial; providing conditions that must be met in order to do so; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; prescribing conditions under which the trial court may extend a trial date; providing an effective date.

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By the Committees on Regulated Industries; Comprehensive Planning; and Senator Clary—

**CS for CS for SB 298**—A bill to be entitled An act relating to to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association; requiring examination and certification of certain defects by certain licensed professionals; providing an effective date.

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By the Committee on Education; and Senators Constantine, Wilson and Villalobos—

**CS for SB's 332, 1912 and 2678**—A bill to be entitled An act relating to student assessments for public schools; amending s. 1008.22, F.S.; delaying the date by which the Commissioner of Education must approve the use of specified standardized tests as an alternative to the grade 10 Florida Comprehensive Assessment Test (FCAT); allowing passage of the alternative tests to satisfy the assessment requirement for students graduating from high school in the 2003-2004 school year, subject to certain conditions; amending s. 1003.433, F.S.; allowing passage of alternate assessments in lieu of the grade 10 FCAT for certain transfer students subject to certain conditions beginning in the 2004-2005 school year; repealing s. 1008.301, F.S., relating to concordance studies by the State Board of Education; providing an effective date.

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

**CS for SB 560**—A bill to be entitled An act relating to health care; providing legislative findings and intent; amending s. 456.072, F.S., relating to grounds for discipline, penalties, and enforcement applicable to health care practitioners; providing that a practitioner's failure to disclose his or her training in health care advertisements and in professional relationships with patients constitutes grounds for disciplinary action; providing exceptions; providing penalties; specifying that a reference to the section constitutes a general reference under the doctrine of incorporation by reference; providing an effective date.

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By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senator Smith—

**CS for SB 598**—A bill to be entitled An act relating to tax rebates and credits; creating a tax refund program for certain businesses whose employees are covered by a health benefit plan; prescribing the amount of refunds; authorizing additional refunds for business in enterprise zones and rural areas of critical concern; prescribing taxes that may be refunded; providing limits on refunds; providing criminal penalties; providing for repayment of refunds plus penalties; providing deadlines and procedures relating to claiming refunds; specifying that refunds are subject to legislative appropriation; providing for review and approval of applications for refunds; providing for interagency cooperation and sharing of information; providing for agency rules; providing for expiration of the program; providing an appropriation; creating s. 220.1875, F.S.; providing purpose to encourage contributions by corporations to public schools or public school programs for which tax credit shall be given; providing definitions; providing authorization to grant tax credits and limitations on credits; providing public school requirements for expenditure and accounting of funds; requiring eligible contributions to be supplemental funds; providing for administration and rulemaking; requiring a cooperative agreement; amending ss. 220.02 and 220.13, F.S., to conform; providing an effective date.

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By the Committees on Judiciary; Transportation; and Senators Crist and Bennett—

**CS for CS for SB 684**—A bill to be entitled An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act; amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating chapter 508, F.S.;

providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment; establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services; requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S., relating to liens for recovering, towing, or storing vehicles and vessels; providing definitions; conforming provisions to changes made by the act; providing for attorney's fees to be awarded to the prevailing party for a frivolous claim of wrongful taking or claim of lien; providing immunity from liability for a wrecker company, its operators, and other employees or agents if services are performed with reasonable care or for complying with the directions of a law enforcement officer; providing for the owner of a vehicle or vessel to dispute a claim of lien by a wrecker company based on a record of sale; clarifying that the amendments made by the act do not affect the validity of prior liens; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 319.30, F.S.; redefining the term "certificate of destruction," to conform; amending s. 713.69, F.S., relating to circumstances in which it is unlawful to remove property upon which a lien has accrued, to conform; amending s. 715.07, F.S., relating to the towing of vehicles and vessels parked on real property without permission; providing definitions; providing for the towing and removal of vehicles and vessels under certain circumstances; conforming provisions to changes made by the act; providing requirements for towing and storage; prohibiting a property owner from soliciting a wrecker company for a rebate for the privilege of removing vehicles from the owner's property; providing immunity from liability for a wrecker company, its operators, and other employees or agents if services are performed with reasonable care; providing that failure to comply with notice requirements precludes a wrecker company from imposing certain towing or storage charges; providing penalties; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

By the Committees on Natural Resources; Comprehensive Planning; and Senators Bennett and Lynn—

**CS for CS for SB 1174**—A bill to be entitled An act relating to the 2005 Smart Growth Study Commission; creating the commission; providing for its membership and requirements for voting; providing for appointments by the Governor, the President of the Senate, and the

Speaker of the House of Representatives; requiring the Secretary of Transportation, the Secretary of Community Affairs, the Secretary of Environmental Protection, the Commissioner of Agriculture, and the executive director of the Fish and Wildlife Conservation Commission, or their designees, to serve as ex officio nonvoting members; requiring the commission to review the state's growth management programs and laws and make recommendations; requiring public hearings; requiring the Department of Community Affairs to provide staff support; providing for expiration of the commission; providing an appropriation; providing an effective date.

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

**CS for SB 1280**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.19, F.S.; removing the developmental disabilities program from the Department of Children and Family Services; creating s. 20.197, F.S.; establishing the Agency for Persons with Disabilities for the purpose of providing services to persons with developmental disabilities, including institutional services; directing the agency to execute interagency agreements with the Agency for Health Care Administration for the financial management of the Medicaid waivers and the Department of Children and Family Services for administrative support; amending s. 393.063, F.S.; updating definitions and deleting obsolete definitions; amending s. 393.064, F.S.; deleting requirements that the agency's legislative budget request include funding for prevention; amending s. 393.0655, F.S.; requiring Level 2 screening for specified service providers; amending s. 393.066, F.S.; removing requirement that services be administered and approved by the districts; modifying a requirement to provide certain services; deleting a requirement for a 5-year plan relating to community-based services; adding a requirement to assist clients in gaining employment; repealing obsolete requirement authorizing the state to lease or construct residential facilities; deleting authorization to adopt rules ensuring compliance with federal rules; amending s. 393.0661, F.S.; deleting an obsolete provision; modifying provisions relating to an assessment instrument; adding requirements for adoption of rate methodologies; amending s. 393.068, F.S.; making service provision subject to available resources; updating list of services to be provided; deleting provision referring to 5-year plans; amending s. 393.0695, F.S.; requiring in-home subsidy amounts to be reassessed annually; amending s. 393.11, F.S.; deleting provisions referring to districts, department programs, and the nonexistent Department of Labor and Employment Security; amending s. 393.13, F.S.; deleting obsolete provisions; adding legislative intent relating to reducing the use of sheltered workshops; amending s. 393.17, F.S.; authorizing the agency to contract for the certification of behavioral analysts; deleting provisions relating to a certification program and provisions allowing fees; amending s. 393.22, F.S.; deleting prohibition preventing transfer of funds and ensuring financial commitment for specified developmental conditions; amending s. 393.502, F.S.; removing reference to districts; deleting a provision permitting appointment of family care council members if the Governor does not act; amending ss. 408.301, 408.302, F.S.; amending legislative intent to add the Agency for Persons with Disabilities and the Department of Elderly Affairs as agencies that the Agency for Health Care Administration must enter into interagency agreement with regarding persons with special needs; amending s. 409.906, F.S.; clarifying powers of the Agency for Health Care Administration with respect to limiting coverage for certain services; repealing s. 393.14, F.S.; requiring a multi-year plan; repealing s. 393.165, F.S., relating to ICF/DDs; repealing s. 393.166, F.S., relating to homes for special services; repealing s. 393.505, F.S., relating to comprehensive day treatment service projects; transferring programs and institutions relating to developmental disabilities from the Department of Children and Family Services to the Agency for Persons with Disabilities; providing duties of those agencies as well as the Department of Management Services; providing for substitution of parties in administrative and judicial proceedings; providing duties of the Office of Program Policy Analysis and Government Accountability; providing for a report; amending ss. 92.53, 397.405, 400.464, 419.001, 914.16, 914.17, 918.16, 943.0585, 943.059, F.S.; conforming cross-references; amending ss. 393.0641, 393.065, 393.0651, 393.067, 393.0673, 393.0675, 393.0678, 393.071, 393.075, 393.115, 393.12, 393.125, 393.14, 393.15, 393.501, 393.503, 393.506, F.S.; conforming to the changes made by the act; authorizing the Department of Children and Family Services' Economic Self-Sufficiency Services Program Office to provide the eligibility determination function through department

staff or through contract; providing restrictions; providing an effective date.

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By the Committee on Education; and Senator Cowin—

**CS for SB 1302**—A bill to be entitled An act relating to student report cards; amending s. 1033.33, F.S.; requiring district school boards to prohibit schools from using a student's grade for conduct and behavior or for attendance in calculating the student's grade for academic performance; providing an exception; providing an effective date.

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By the Committees on Judiciary; Criminal Justice; and Senator Argenziano—

**CS for CS for SB 1380**—A bill to be entitled An act relating to dealing in stolen property; amending s. 812.022, F.S.; creating an inference that a dealer in used property knew or should have known that he or she possessed stolen property if it is proved that the dealer possessed stolen property upon which a name and phone number are conspicuously displayed; providing that the dealer avoids the inference by meeting specified requirements for verifying that the property was not stolen; specifying records that constitute sufficient evidence to avoid the inference; providing exceptions to the application of the act; providing an effective date.

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By the Committee on Agriculture; and Senators Aronberg and Campbell—

**CS for SB 1418**—A bill to be entitled An act relating to cruelty to animals; amending s. 828.121, F.S.; providing a definition; providing that it is a third-degree felony for a person to intentionally drag or fell by the tail a bovine animal in an organized sports exhibition; providing clarification regarding techniques or practices that are not prohibited; providing an effective date.

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By the Committees on Judiciary; Governmental Oversight and Productivity; Comprehensive Planning; and Senators Lynn and Bullard—

**CS for CS for CS for SB 1764**—A bill to be entitled An act relating to a limitation of liability for donated firefighting equipment; creating s. 768.1315, F.S.; providing a short title; providing definitions; providing that a state agency or political subdivision, or an officer, employee, or agent thereof, is not liable for civil damages resulting from personal injuries, property damage, or death proximately caused by defective fire control or fire rescue equipment donated to a volunteer fire department; providing certain exceptions to the limitation on liability; providing an effective date.

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By the Committee on Judiciary; and Senator Posey—

**CS for SB 1788**—A bill to be entitled An act relating to liens on commercial real estate; creating ch. 714, F.S., the "Commercial Real Estate Lien Act"; providing definitions; specifying conditions under which a broker is entitled to a lien on commercial real estate; requiring a written instrument; requiring the recording of a notice of lien; providing for the contents and service of such notice; providing requirements with respect to installment and future commissions, leases, sales of property before commission is due, and written instruments with transferees; providing for enforcement of the lien by lawsuit; requiring written demand to initiate or file an answer to such lawsuit; providing conditions for satisfaction or release of the lien; providing for an alternative dispute resolution process; providing for assessment of costs, fees, and interest; declaring any waiver of lien rights void; providing priority of other recorded liens, mortgages, and encumbrances; providing for escrow of disputed amounts; amending s. 475.42, F.S.; providing that brokers may place liens on property as provided by law; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Criminal Justice; and Senator Clary—

**CS for CS for SB 1946**—A bill to be entitled An act relating to juvenile justice; amending s. 287.012, F.S.; redefining the term "eligible user"; allowing contract providers of juvenile justice services to purchase off of state contracts; amending s. 790.22, F.S.; eliminating a requirement that the department provide nonidentifying information concerning certain juvenile offenders to the Office of Economic Development and Demographic Research; amending s. 984.06, F.S.; revising provisions limiting public inspection of court records pertaining to children and families in need of services; authorizing a guardian ad litem to inspect such records under certain circumstances; amending s. 985.201, F.S.; clarifying circumstances in which the court may retain jurisdiction beyond the 19th birthday of certain juvenile offenders; amending ss. 985.213 and 985.215, F.S.; authorizing the use, at the court's discretion, of video teleconference to facilitate the appearance of a child at certain detention hearings; amending s. 985.231, F.S.; authorizing the department or the state attorney to file an affidavit alleging violation of a probation of postcommitment probation program; requiring the state attorney to represent the state in any hearing on such alleged violation; providing for quarterly, rather than monthly, treatment reports; authorizing, at the court's discretion, the use of video teleconference to facilitate the appearance of a child at certain hearings; conforming provisions relating to jurisdiction; providing an effective date.

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By the Committee on Education; and Senator Wise—

**CS for SB 1974**—A bill to be entitled An act relating to retirement; providing for certain community college employees to move to the Florida Retirement System defined benefit program; providing limitations on such transfers; providing transfer guidelines; providing an effective date.

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By the Committees on Finance and Taxation; Communication and Public Utilities; and Senator Posey—

**CS for CS for SB 1982**—A bill to be entitled An act relating to electric transmission line siting; amending s. 403.52, F.S.; changing the short title to the "Florida Electric Transmission Line Siting Act"; amending s. 403.521, F.S.; revising legislative intent; amending s. 403.522, F.S.; revising definitions; defining "licensee"; amending s. 403.523, F.S.; revising powers and duties of the Department of Environmental Protection; requiring the department to collect and process fees, to prepare a project impact analysis, to act as clerk for the siting board, and to administer and manage the terms and conditions of the certification order and supporting documents and records; amending s. 403.524, F.S.; revising provisions for applicability, certification, and exemptions under the act; requiring that the application contain the starting point and ending point of a transmission line specifically defined by the applicant and verified by the commission; revising provisions for notice by an electric utility of its intent to construct an exempted transmission line; amending s. 403.525, F.S.; providing for powers and duties of the administrative law judge designated by the Division of Administrative Hearings to conduct the required hearings; amending s. 403.5251, F.S.; revising application procedures and schedules; providing for the formal date of certification application filing and commencement of the certification review process; requiring the department to prepare a proposed schedule of dates for determination of completeness and other significant dates to be followed during the certification process; providing for the formal date of application distribution; requiring the applicant to file notice of distribution and notice of filing of the application; amending s. 403.5252, F.S.; revising timeframes and procedures for determination of completeness of the application; requiring the department to consult with affected agencies; revising requirements for the department to file a statement of its determination of completeness with the Division of Administrative Hearings, the applicant, and all parties within a certain time after distribution of the application; revising requirements for the applicant to file a statement with the department, the division, and all parties, if the department determines the application is not complete; providing for that statement to notify the department that the information will not be provided; revising timeframes and procedures for contests of the determination by the department; providing for parties to a hearing on the issue of completeness; repealing s. 403.5253, F.S., relating to determination of sufficiency of application or amendment to the

application; amending s. 403.526, F.S.; revising criteria and procedures for preliminary statements of issues, reports, and studies; revising timeframes; requiring that the preliminary statement of issues from each affected agency be submitted to all parties; revising criteria for the Department of Community Affairs' report; requiring the Department of Transportation to prepare an impact report; providing for project impact reports from other agencies; revising required content of the reports; providing for notice of any agency nonprocedural requirements not listed in the application; providing for failure to provide such notification; providing for a recommendation for approval or denial of the application; providing that receipt of an affirmative determination of need be a condition precedent to further processing of the application; requiring the department to prepare a project impact analysis to be filed with the administrative law judge and served on all parties within a certain timeframe; amending s. 403.527, F.S.; revising procedures and timeframes for the certification hearing conducted by the administrative law judge; revising provisions for notices and publication of notices, public hearings held by local governments, testimony at the public hearing portion of the certification hearing, the order of presentations at the hearing, consideration of certain communications by the administrative law judge, requiring the applicant to pay certain expenses and costs, and requiring the administrative law judge to issue a recommended order disposing of the application; requiring that certain notices be made in accordance with specified requirements and within a certain timeframe; specifying the Department of Transportation as a party to the proceedings; providing for the administrative law judge to cancel the certification hearing and relinquish jurisdiction to the department upon request by the applicant or the department; requiring the department and the applicant to publish notice of such cancellation; providing for parties to submit proposed recommended orders to the department when the certification hearing has been canceled; providing that the department prepare a recommended order for final action by the siting board when the hearing has been canceled; amending s. 403.5271, F.S.; revising procedures and timeframes for consideration of proposed alternate corridors; revising notice requirements; providing for notice of the filing of the alternate corridor and revised time schedules; providing for notice to agencies newly affected by the proposed alternate corridor; requiring the person proposing the alternate corridor to provide all data to the agencies within a certain timeframe; providing for determination by the department that the data is not complete; providing for withdrawal of the proposed alternate corridor upon such determination; providing that agencies file reports with the applicant and department which address the proposed alternate corridor; providing that the department file with the administrative law judge, the applicant, and all parties a project impact analysis of the proposed alternate corridor; providing that the party proposing an alternate corridor shall have the burden of proof on the certifiability of the alternate corridor; amending s. 403.5272, F.S.; revising procedures for informational public meetings; providing for informational public meetings held by regional planning councils; revising timeframes; amending s. 403.5275, F.S.; revising provisions for amendment to the application prior to certification; amending s. 403.529, F.S.; revising provisions for final disposition of the application by the siting board; providing for the administrative law judge's or department's recommended order; amending s. 403.531, F.S.; revising provisions for conditions of certification; amending s. 403.5312, F.S.; requiring the applicant to file notice of a certified corridor route with the department; creating s. 403.5317, F.S.; providing procedures for changes proposed by the licensee after certification; requiring the department to determine within a certain time if the proposed change requires modification of the conditions of certification; requiring notice to the licensee, all agencies, and all parties of changes that are approved as not requiring modification of the conditions of certification; creating s. 403.5363, F.S.; requiring publication of certain notices by the applicant, the proponent of an alternate corridor, and the department; requiring the department to adopt rules specifying the content of such notices; amending s. 403.5365, F.S.; revising application fees and the distribution of fees collected; revising procedures for reimbursement of local governments and regional planning organizations; repealing s. 403.5369, F.S., relating to application of the act to applications prior to a certain date; amending s. 403.537, F.S.; revising the schedule for notice of a public hearing by the Public Service Commission to determine the need for a transmission line; amending ss. 373.441, 403.061, 403.0876, and 403.809, F.S.; conforming terminology; amending s. 633.022, F.S.; subjecting hydrogen fueling stations to fire safety regulations; providing an effective date.

By the Committees on Commerce, Economic Opportunities, and Consumer Services; Banking and Insurance; and Senator Fasano—

**CS for CS for SB 2038**—A bill to be entitled An act relating to insurance; amending s. 20.121, F.S.; requiring the Division of Consumer Services of the Department of Financial Services to designate an employee as primary contact for consumers on issues involving sinkholes; amending s. 501.137, F.S.; requiring an insurer to reinstate, under certain circumstances, an insurance policy that is cancelled due to failure of the lender to pay a premium for which sufficient escrow funds are on deposit; requiring that the lender reimburse the property owner for any penalties or fees paid for purposes of reinstating the policy; requiring the lender to pay the increased cost of insurance premiums for a specified period of time under certain conditions; amending s. 624.4622, F.S.; providing that a local government self-insurance fund comply with specified provisions relating to financial statements; amending s. 624.610, F.S.; revising the requirements of a trust fund for a single assuming insurer; amending s. 625.081, F.S.; providing an exception for credit disability insurance from a health insurance active life reserve requirement; amending s. 625.121, F.S.; providing for valuation of life insurance policies; amending s. 626.321, F.S.; limiting the types of business that may be transacted by personal lines agents; creating s. 626.9743, F.S., relating to claim settlement practices for motor vehicle insurance; prescribing standards to be followed by insurers; creating s. 626.9744, F.S., relating to claim settlement practices for homeowners' insurance; prescribing standards to be followed by insurers; amending s. 627.0629, F.S.; exempting industrial fire insurance policies from certain requirements for rate filings; amending s. 627.311, F.S.; allowing the automobile insurance joint underwriting plan to require additional proof from insureds regarding cancellation of coverage; allowing additional time for the investigation of claims against the plan; providing for expiration of the provision; amending s. 627.4091, F.S.; providing additional disclosure requirements with respect to a refusal to insure; amending s. 627.4133, F.S.; requiring property insurers to reinstate a canceled policy as required by s. 501.137, F.S.; restricting the use of certain claims as a cause for cancellation or nonrenewal; amending s. 627.476, F.S.; authorizing the use of certain mortality tables for purposes of the Standard Nonforfeiture Law for Life Insurance; creating s. 627.7077, F.S.; providing for a feasibility study for a proposed Florida Sinkhole Insurance Facility; amending s. 627.838, F.S.; deleting a filing fee; amending s. 627.848, F.S.; specifying provisions for cancellation of insurance contracts; amending s. 627.849, F.S., to conform to the elimination of a filing fee; providing for a study and report by the Florida State University College of Business on personal lines property and casualty insurance; repealing s. 625.131, F.S., relating to credit life and disability policies; providing for construction of the act; providing effective dates.

By the Committees on Health, Aging, and Long-Term Care; Children and Families; and Senators Wise and Webster—

**CS for CS for SB 2098**—A bill to be entitled An act relating to caregivers for disabled or elderly adults; providing legislative intent to foster caregiving as a nonlicensed paraprofessional activity and to promote the caregivers' use of best practices; creating the Florida Caregiver Institute, Inc., an independent nonprofit corporation housed in the Florida Policy Exchange Center on Aging at the University of South Florida; providing purposes, duties, and powers of the corporation; providing for a board of directors; providing for membership, terms of office, meetings, and powers and duties of and restrictions on the board; requiring reports to the Governor and the Legislature; providing duties of the Florida Policy Exchange Center on Aging and other public agencies; providing for the Office of Program Policy Analysis and Government Accountability to conduct a review of the corporation by a specified date and to report to the Governor and the Legislature; providing an effective date.

By the Committee on Regulated Industries; and Senator Peadar—

**CS for SB 2248**—A bill to be entitled An act relating to the practice of surveying and mapping; requiring the Department of Business and Professional Regulation to reinstate and reissue certain licenses to practice surveying and mapping if specified circumstances and qualifications are met by the applicant; requiring that an application be submitted to the Board of Professional Surveyors and Mappers as prescribed by rule;

providing for an application fee; providing for expiration of the act; providing an effective date.

By the Committee on Criminal Justice; and Senators Villalobos, Haridopolos, Crist, Argenziano, Fasano and Smith—

**CS for SB 2284**—A bill to be entitled An act relating to probation and community control; amending s. 944.473, F.S.; providing additional criteria for mandated participation in a substance abuse program; requiring that substance abuse treatment be considered a basic support service in the release orientation program for certain offenders; amending s. 944.705, F.S.; requiring that substance abuse treatment be included as part of the release orientation program for certain inmates; amending s. 947.22, F.S.; requiring law enforcement officers to assist probation officers in making warrantless arrests; amending s. 948.03, F.S., relating to terms and conditions of probation or community control; providing additional requirements for offenders who have been incarcerated for controlled substance violations; providing additional requirements for random substance abuse testing; authorizing the Department of Corrections to order electronic monitoring as a reporting requirement; amending s. 948.032, F.S.; clarifying the responsibilities of the defendant to prove his or her ability to pay restitution; amending s. 948.06, F.S.; requiring law enforcement officers to assist probation officers in making warrantless arrests; providing for tolling of a probationary period upon a warrantless arrest; authorizing use of a notification letter of a technical violation of a term of probation or community control; requiring the department to provide the court with recommendations concerning the disposition of an offender who has violated probation or community control; specifying the factors to be considered by the department in making its recommendation; requiring submission of a statement regarding the offender's ability to pay; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional probation officer; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; providing legislative findings with respect to the necessity for increased supervision of high-risk offenders who violate community supervision; requesting that the Supreme Court amend a Rule of Criminal Procedure to require that certain offenders arrested for a violation of probation or community control be detained while awaiting a hearing on the violation; creating s. 903.0473, F.S.; permitting the court to order appearance bonds for probationers; providing effective dates.

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

**CS for SB 2330**—A bill to be entitled An act relating to infant eye care; amending s. 383.04, F.S.; requiring certain eye examinations for all infants born in hospitals in the state; exempting this requirement from s. 383.07, F.S., relating to a penalty; amending an exception to the requirements for infant eye care; amending ss. 627.6416 and 641.31, F.S.; providing that coverage for children under health insurance policies and health maintenance organization contracts must include certain eye examinations for infants and children; providing an effective date.

By the Committees on Judiciary; and Criminal Justice—

**CS for CS for SB 2336**—A bill to be entitled An act relating to probation and community control; amending s. 948.001, F.S.; deleting provisions authorizing the Department of Corrections to collect certain fees as a part of administrative probation; amending s. 948.01, F.S.; correcting a cross-reference; transferring and renumbering provisions governing probation and community control as s. 948.10(10), F.S.; transferring and renumbering provisions authorizing a split sentence of probation or community control and imprisonment as s. 948.012(1), F.S.; prohibiting a private entity from providing probation or supervision

services to certain offenders; transferring and renumbering provisions relating to violations of community control as s. 948.10(9), F.S.; transferring and renumbering provisions restricting the placement of certain offenders into community control as s. 948.10(2), F.S.; transferring and renumbering provisions authorizing split sentencing as s. 948.012(2) and (3), F.S.; transferring and renumbering provisions relating to drug offender probation as s. 948.20, F.S.; transferring and renumbering provisions governing community control and criminal quarantine community control as s. 948.101(3), F.S.; transferring and renumbering provisions relating to administration probation as s. 948.013, F.S.; amending s. 948.011, F.S.; clarifying circumstances under which the court may impose a fine or place an offender on probation or community control; amending s. 948.03, F.S.; conforming cross-references; providing for submission of blood or other biological specimens as a standard condition of probation; transferring and renumbering provisions relating to intensive supervision and surveillance as s. 948.101, F.S.; authorizing the court to impose additional terms or conditions of community control; providing certain limitations; transferring and renumbering provisions governing electronic monitoring as s. 948.11(2), F.S.; amending s. 948.11, F.S.; transferring and renumbering provisions governing the diagnosis, evaluation, and treatment of certain sex offenders as s. 948.31, F.S.; transferring and renumbering provisions governing additional terms and conditions of probation or community control for certain sex offenses as s. 948.30, F.S.; clarifying a requirement for submitting blood and other specimens; transferring and renumbering provisions relating to residential treatment as s. 948.035, F.S.; transferring and renumbering provisions relating to work programs as s. 948.036, F.S.; transferring and renumbering provisions relating to education and learning as a condition of probation or community control as s. 948.037, F.S.; transferring and renumbering provisions relating to the submission of blood or other biological specimens as s. 948.014, F.S.; transferring and renumbering provisions relating to a batterers' intervention program as s. 948.038, F.S.; creating s. 948.039, F.S.; authorizing the court to impose special terms and conditions of probation or community control, including requiring the offender to attend an HIV/AIDS awareness program and pay certain costs; amending s. 948.06, F.S., relating to procedures following an arrest of an offender for a violation of probation or community control; transferring and renumbering provisions relating to the arrest of a person for certain sex offenses as s. 948.32, F.S.; amending s. 948.09, F.S.; requiring an offender under addiction-recovery supervision to pay the cost of supervision; amending s. 948.10, F.S.; correcting a cross-reference; amending ss. 948.04, 440.02, 775.21, 812.0155, 921.0017, 921.187, 947.23, and 958.14, F.S.; revising cross-references, to conform; reenacting ss. 944.4731(2)(b) and (7)(b), 948.01(8), and 948.06(5), F.S., relating to the Addiction-Recovery Supervision Program, when the court may place a defendant on probation or into community control, and violations of probation or community control, respectively, for the purpose of incorporating the amendment to s. 948.09, F.S., in references thereto; reenacting s. 947.1747, F.S., relating to community control as a special condition of parole, for the purpose of incorporating the amendment to s. 948.10, F.S., in a reference thereto; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Health, Aging, and Long-Term Care; and Senator Clary—

**CS for CS for SB 2372**—A bill to be entitled An act relating to physical fitness and health; requiring the Department of Health to undertake certain actions to promote healthy lifestyles and body weight; authorizing the department to adopt rules; providing that the act is contingent on an appropriation; amending s. 320.08058, F.S.; requiring the Florida Sports Foundation to allocate certain proceeds from the sale of license plates for additional purposes; providing an effective date.

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

**CS for CS for SB 2466**—A bill to be entitled An act relating to uniform firesafety standards in nursing homes; amending s. 633.022, F.S.; requiring that each nursing home licensed under part II of ch. 400, F.S., be protected by an approved, supervised automatic sprinkler system; providing schedules for the installation of the automatic sprinkler system in hazardous and nonhazardous areas of a nursing home; authorizing the Department of Financial Services to grant extensions for

specified periods for installing a sprinkler system in nonhazardous areas of a nursing home; prohibiting extensions for installing a sprinkler system in hazardous areas of a nursing home; authorizing the department to adopt rules; directing the department to enforce the sprinkler system standards; providing that nursing homes that violate the act are subject to administrative sanctions; requiring adjustments to certain provider Medicaid rates for reimbursement for Medicaid's portion of costs to meet certain requirements; requiring funding for such adjustments to come from existing nursing home appropriations; creating s. 633.024, F.S.; providing legislative intent relating to fire safety in nursing homes; creating s. 633.0245, F.S.; creating the State Fire Marshal Nursing Home Protection Loan Guarantee Program to fund the installation of fire protection systems in nursing homes without these systems; authorizing the State Fire Marshal to enter into investment agreements with the Department of Financial Services to fund a loan guarantee program; authorizing the State Fire Marshal to enter into agreements with financial institutions desiring to participate in the loan guarantee program; requiring the State Fire Marshal to issue requests for proposals to select participating financial institutions; providing for an application form to be used by nursing homes intending to seek a loan to install a fire protection system; providing the contents of the loan guarantee application form; requiring the State Fire Marshal to approve or disapprove applications from nursing homes; requiring the State Fire Marshal to notify each applicant of its decision to approve or disapprove the application; requiring the State Fire Marshal to send approved applications to designated lenders; requiring each nursing home approved for a loan to execute certain specified documents; requiring that all applications for program funds be filed by a specified date; defining the term "eligible nursing home"; authorizing the State Fire Marshal to adopt rules; providing an effective date.

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By the Committees on Governmental Oversight and Productivity; Banking and Insurance; and Senator Alexander—

**CS for CS for SB 2488**—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; redefining and defining terms; providing for the State Board of Administration to specify interest due on delinquent remittances; revising conditions of, amounts of, and procedures relating to reimbursement contracts; revising maximum rates of, procedures relating to, and types of insurance subject to emergency assessments; revising provisions relating to reinsurance; deleting expired provisions; requiring insurers writing a covered policy to make a rate filing with the Office of Insurance Regulation; providing effective dates.

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By the Committee on Regulated Industries; and Senator Garcia—

**CS for SB 2498**—A bill to be entitled An act relating to condominium associations; amending s. 718.110, F.S.; providing for grandfathering and modification of certain rights of a unit owner; requiring certain voting and approval criteria for amendments depriving owners of certain rights; creating s. 718.5011, F.S.; creating the Office of the Condominium Ombudsman within the Division of Florida Land Sales, Condominiums, and Mobile Homes; authorizing appointment of ombudsman by the Joint Legislative Auditing Committee; prohibiting ombudsman or staff from engaging in certain acts; creating s. 718.5012, F.S.; granting certain powers and duties to the ombudsman and the division; creating s. 718.5013, F.S.; authorizing disbursement from the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund with approval of the committee for ombudsman costs and expenses; authorizing the committee to permit the ombudsman to retain certain personnel; creating s. 718.5014, F.S.; providing for location of the office of the ombudsman; authorizing branch offices as approved by the committee; creating s. 718.5015, F.S.; creating the Advisory Council on Condominiums; providing for appointments by the President of the Senate, the Speaker of the House, and the Governor; providing limited compensation and other terms of service; specifying functions; amending s. 718.504, F.S.; providing certain prospective unit buyers with a separate document, rather than a separate page, of frequently asked questions and answers; requiring additional disclosure to prospective buyers concerning court cases that involve potential liabilities of the association; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Military and Veterans' Affairs, Base Protection, and Spaceports; and Senator Jones—

**CS for CS for SB 2520**—A bill to be entitled An act relating to the Great Florida Wreck-reaction Diving Trail Act; providing a popular name; providing purpose of the act; creating the Florida MARAD and U.S. Navy Vessel Placement Commission within the Office of Tourism, Trade, and Economic Development; providing membership, organization, administrative support, and duties of the commission; providing that the commission is subject to public records and public meetings requirements; requiring the commission to request and receive interagency comments; providing for expiration of the commission; providing for transfer of documents and remaining assets of the commission; providing an effective date.

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By the Committee on Appropriations; and Senator Webster—

**CS for SB 2646**—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of State, the Department of Highway Safety and Motor Vehicles, and the Department of Community Affairs; providing for disposition of balances in and revenues of the trust funds; declaring findings of the Legislature that specified trust funds within the Executive Office of the Governor, the Department of Transportation, the Department of Community Affairs, and the Department of Highway Safety and Motor Vehicles are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; repealing s. 445.0324(5), F.S.; abrogating provisions relating to the termination of the Welfare Transition Trust Fund within the Agency for Workforce Innovation; amending s. 252.373, F.S.; revising provisions specifying the use of funds in the Emergency Management, Preparedness, and Assistance Trust Fund within the Department of Community Affairs; amending s. 120.55, F.S.; requiring that fees and moneys collected for the publication and distribution of the Florida Administrative Code and Florida Administrative Weekly be deposited in the Records Management Trust Fund of the Department of State; deleting provisions authorizing the Department of State to collect a surcharge for costs relating to publication of the Florida Administrative Weekly; amending s. 443.211, F.S.; requiring that funds collected for certain information services be deposited into the Employment Security Administration Trust Fund; amending ss. 322.08 and 320.02, F.S.; providing that certain contributions received in connection with a driver's license application or motor vehicle registration are not income of a revenue nature for purposes of a service charge imposed on certain trust funds; providing an effective date.

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By the Committees on Commerce, Economic Opportunities, and Consumer Services; Banking and Insurance; and Senators Aronberg, Atwater, Lynn and Campbell—

**CS for CS for SB 2682**—A bill to be entitled An act relating to credit counseling services; creating pt. IV, ch. 817, F.S.; providing definitions; prohibiting certain persons from accepting certain fees or costs from debtors under certain circumstances; providing exceptions; providing disclosure and financial reporting requirements for debt management or credit counseling services; providing disbursement of funds requirements; providing civil penalties; providing for awards of attorney's fees and costs; providing for criminal penalties; providing an effective date.

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By the Committees on Transportation; Banking and Insurance; and Senator Atwater—

**CS for CS for SB 2698**—A bill to be entitled An act relating to motor vehicles; providing a popular name; amending s. 319.14, F.S.; defining the terms "insurance recovery vehicle," "salvage recovery vehicle," and "salvage company"; providing prohibitions on the sale of such vehicles; providing penalties; amending s. 319.23, F.S.; requiring affidavit with application for title of used motor vehicles not previously issued certificate of title; providing an exemption; providing penalties for violation or falsification; amending s. 319.30, F.S.; revising the definition of "total loss"; revising provisions for issuance to insurer of certificate of destruction and certificate of title upon total loss of vehicle; requiring the Department of Highway Safety and Motor Vehicles to create a program to

promote and enhance public awareness of risks to consumers associated with buying used motor vehicles previously titled in other states; providing an effective date.

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By the Committee on Transportation; and Senators Atwater and Bennett—

**CS for SB 2700**—A bill to be entitled An act relating to motor vehicles; providing a short title; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing an effective date.

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

**CS for SB 2720**—A bill to be entitled An act relating to public accountability; amending s. 473.308, F.S.; authorizing waiver of certain requirements in excess of a baccalaureate degree for applicants for licensure as a certified public accountant who meet certain prior employment criteria; amending s. 473.311, F.S.; requiring completion of required continuing education in ethics prior to taking the examination required for renewal of license; amending s. 473.312, F.S.; requiring a certain amount of continuing education to be in ethics; providing course requirements and requirements for course providers; providing an effective date.

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By the Committee on Criminal Justice; and Senator Bennett—

**CS for SB 2782**—A bill to be entitled An act relating to aggravated white collar crime; amending s. 775.0844, F.S.; including Medicaid provider fraud within the definition of a white collar crime; providing a minimum mandatory term of imprisonment for committing an aggravated white collar crime involving Medicaid provider fraud, or an intent to defraud, and involving a specified number of persons or the state or a political subdivision thereof; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

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By the Committee on Natural Resources; and Senator Dockery—

**CS for SB 2802**—A bill to be entitled An act relating to the delegation of general permit authority for piers or associated structures; amending s. 403.814, F.S.; prohibiting the Department of Environmental Protection from delegating general permit authority to the water management districts for the construction, extension, or removal of piers or associated structures; reassigning to the department the authority to act on pending applications for a permit; rescinding a prior delegation of authority by the department to the districts; providing an effective date.

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By the Committee on Judiciary; and Senator Lynn—

**CS for SB 2826**—A bill to be entitled An act relating to public records; creating s. 409.25661, F.S.; creating an exemption from public-records requirements for information obtained by the Department of Revenue from insurers under specified circumstances; providing for exceptions to the exemption; providing for future legislative review and repeal; providing findings of public necessity; providing a contingent effective date.

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By the Committees on Health, Aging, and Long-Term Care; Children and Families; and Senators Webster and Wilson—

**CS for CS for SB 2894**—A bill to be entitled An act relating to mental health services; amending s. 394.9084, F.S.; providing for a client-

directed and choice-based pilot program; authorizing the expansion of the project; authorizing the development and implementation of a pilot project for children; requiring the Department of Children and Family Services to develop procedures for operating these pilot projects; requiring an independent evaluation of the projects; specifying areas that must be addressed as a part of the evaluation; requiring reports to the Legislature; providing an effective date.

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By the Committee on Ethics and Elections; and Senators Atwater, Fasano and Campbell—

**CS for SJR 2898**—A joint resolution proposing amendments to Sections 3 and 5 and creating Section 8 of Article XI of the State Constitution, relating to proposed amendments to the State Constitution which impose a significant cost on state government.

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

**CS for CS for SB 2910**—A bill to be entitled An act relating to affordable health care; providing a popular name; providing purpose; amending s. 381.026, F.S.; requiring certain licensed facilities to provide public Internet access to certain financial information; providing a penalty; amending s. 381.734, F.S.; including participation by health care providers, small businesses, and health insurers in the Healthy Communities, Healthy People Program; requiring the Department of Health to provide public Internet access to certain public health programs; requiring the department to monitor and assess the effectiveness of such programs; requiring a report; requiring the Office of Program Policy and Government Accountability to evaluate the effectiveness of such programs; requiring a report; amending s. 395.1041, F.S.; authorizing hospitals to develop certain emergency room diversion programs; amending s. 395.301, F.S.; requiring certain licensed facilities to provide public Internet access to certain financial information; requiring certain licensed facilities to provide prospective patients certain estimates of charges for services; amending s. 408.061, F.S.; requiring the Agency for Health Care Administration to require health care facilities, health care providers, and health insurers to submit certain information; requiring the agency to adopt certain rules; amending s. 408.062, F.S.; requiring the agency to conduct certain health care costs and access research, analyses, and studies; expanding the scope of such studies to include collection of pharmacy retail price data, use of emergency departments, and Internet patient charge information availability; requiring a report; requiring the agency to conduct additional data-based studies and make recommendations to the Legislature; requiring the agency to implement a strategy for the use of electronic health records and make recommendations to the Legislature to protect the confidentiality of such records; amending s. 408.05, F.S.; requiring the agency to develop a plan to make performance outcome and financial data available to consumers for health care services comparison purposes; requiring submittal of the plan to the Governor and Legislature; requiring the agency to update the plan; requiring the agency to make the plan available electronically; providing plan requirements; amending s. 409.9066, F.S.; requiring the agency to provide certain information relating to the Medicare prescription discount program; amending s. 408.7056, F.S.; renaming the State-wide Provider and Subscriber Assistance Program as the Subscriber Assistance Program; revising provisions to conform; expanding certain records availability provisions; revising membership provisions relating to a subscriber grievance hearing panel; providing hearing procedures; amending s. 641.3154, F.S., to conform to the renaming of the Subscriber Assistance Program; amending s. 641.511, F.S., to conform to the renaming of the Subscriber Assistance Program; adopting and incorporating by reference the Employee Retirement Income Security Act of 1974, as implemented by federal regulations; amending s. 641.58, F.S., to conform to the renaming of the Subscriber Assistance Program; amending s. 408.909, F.S.; expanding a definition of "health flex plan entity" to include public-private partnerships; making a pilot health flex plan program apply permanently statewide; providing additional program requirements; creating s. 381.0271, F.S.; providing definitions; creating the Florida Patient Safety Corporation, which shall be registered, incorporated, organized, and operated in compliance with ch. 617, F.S.; authorizing the corporation to create not-for-profit subsidiaries; specifying that the corporation is not an agency within the meaning of s. 20.03(11), F.S.; requiring the corporation to be subject to public meetings and

records requirements; specifying that the corporation is not subject to the provisions of ch. 297, F.S., relating to procurement of personal property and services; providing a purpose for the corporation; establishing the membership of the board of directors of the corporation; requiring the formation of certain advisory committees for the corporation; requiring the Agency for Health Care Administration to provide assistance in establishing the corporation; specifying the powers and duties of the corporation; requiring annual reports; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Agency for Health Care Administration and the Department of Health, to develop performance measures for the corporation; requiring a performance audit; requiring a report to the Governor and the Legislature; requiring the Patient Safety Center at the Florida State University College of Medicine to study the return on investment by hospitals from implementing computerized physician order entry and other information technologies related to patient safety; providing requirements for the study; requiring a report to the Governor and the Legislature; amending s. 395.1012, F.S.; providing additional duties of the patient safety committee at hospitals and other licensed facilities; requiring such facilities to adopt a plan to reduce medication errors and adverse drug events, including the use of computerized physician order entry and other information technologies; repealing s. 766.1016(3), F.S., which requires a patient safety organization to promptly remove patient-identifying information from patient safety data reported to the organization and requires such organization to maintain the confidentiality of patient-identifying information; amending s. 409.91255, F.S.; expanding assistance to certain health centers to include community emergency room diversion programs and urgent care services; amending s. 627.410, F.S.; requiring insurers to file certain rates with the Office of Insurance Regulation; exempting group health insurance policies insuring groups of a certain size from a requirement to file rates with the Office of Insurance Regulation; creating s. 624.6405, F.S.; making legislative findings related to inappropriate utilization of emergency room care; requiring health insurers to take certain actions and authorizing higher copayments for certain uses of emergency departments; amending s. 627.6487, F.S.; revising a definition; creating s. 627.64872, F.S.; providing legislative intent; creating the Florida Health Insurance Plan for certain purposes; providing definitions; providing requirements for operation of the plan; providing for a board of directors; providing for appointment of members; providing for terms; specifying service without compensation; providing for travel and per diem expenses; requiring a plan of operation; providing requirements; providing for powers of the plan; requiring reports to the Governor and Legislature; providing certain immunity from liability for plan obligations; authorizing the board to provide for indemnification of certain costs; requiring an annually audited financial statement; providing for eligibility for coverage under the plan; providing criteria; requirements, and limitations; specifying certain activity as an unfair trade practice; providing for a plan administrator; providing criteria; providing requirements; providing term limits for the plan administrator; providing duties; providing for paying the administrator; providing for funding mechanisms of the plan; providing for premium rates for plan coverage; providing rate limitations; providing for assessing certain insurers providing coverage for persons under the Health Insurance Portability and Accountability Act; specifying benefits under the plan; providing criteria, requirements, and limitations; providing for nonduplication of benefits; providing for annual and maximum lifetime benefits; providing for tax exempt status; providing for abolition of the Florida Comprehensive Health Association upon implementation of the plan; providing for enrollment in the plan of persons enrolled in the association; requiring insurers to pay certain assessments to the board for certain purposes; providing criteria, requirements, and limitations for such assessments; providing for repeal of ss. 627.6488, 627.6489, 627.649, 627.6492, 627.6494, 627.6496, and 627.6498, F.S., relating to the Florida Comprehensive Health Association, upon implementation of the plan; amending s. 627.662, F.S.; providing for application of certain claim payment methodologies and actions related to inappropriate use of emergency care to certain types of insurance; amending s. 627.6699, F.S.; revising provisions requiring small employer carriers to offer certain health benefit plans; preserving a right to open enrollment for certain small groups; revising size limits on small employer groups to which premium rate guidelines are applicable for purposes of the Employee Health Care Access Act; requiring small employer carriers to file and provide coverage under certain high deductible plans; including high deductible plans under certain required plan provisions; creating the Small Employers Access Program; providing legislative intent; providing definitions; providing participation eligibility requirements and criteria; requiring the Office of Insurance Regulation to administer the program by selecting an insurer through com-

petitive bidding; providing requirements; specifying insurer qualifications; providing duties of the insurer; providing a contract term; providing insurer reporting requirements; providing application requirements; providing for benefits under the program; requiring the office to annually report to the Governor and Legislature; providing for decreases in inappropriate use of emergency care; providing legislative intent; requiring health insurers to provide certain information electronically and develop community emergency department diversion programs; amending s. 627.9175, F.S.; requiring certain health insurers to annually report certain coverage information to the office; providing requirements; deleting certain reporting requirements; creating part I of ch. 636, F.S., relating to prepaid limited health services organization; providing a short title; revising the definition of the term "prepaid limited health services organization"; creating part II of ch. 636, F.S., relating to discount medical plan organization; providing a short title; providing definitions; requiring that a person be licensed before conducting business in this state as a discount medical plan organizations; providing for an application to receive a license; providing for the contents of the application; requiring each discount medical plan organization to create an Internet website; authorizing the Office of Insurance Regulation to investigate or examine a discount medical plan organization under certain conditions; specifying the permitted and prohibited activities of a discount medical plan organization; directing each discount medical plan organization to disclose certain specified information to members and prospective members; providing for contracts and agreements with providers and networks of providers; detailing the required contents of the contract or agreement; requiring each discount medical plan organization to file its proposed rates with the office; directing each discount medical plan organization to file an annual report with the office; specifying the contents of the report; providing for fines when a discount medical plan organization is delinquent in filing the annual report; requiring minimum capitalization; providing the circumstances and procedures when the office proposes to suspend or revoke the license of a discount medical plan organization; directing each discount medical plan organization to maintain an up-to-date list of the names and addresses of the providers with whom it has a contract to deliver medical services; directing that the list be posted on the organization's website; providing for marketing plans; authorizing the office to adopt rules; providing for service of process; providing for a security deposit by each discount medical plan organization; providing criminal penalties for violations of the act; authorizing the office to seek temporary and permanent injunctive relief against a discount medical plan organization under certain conditions; providing civil remedies for any person injured by another acting in violation of the act; providing venue for a civil action; creating ss. 627.65626 and 627.6402, F.S.; providing for insurance rebates for healthy lifestyles; providing for rebate of certain premiums for participation in health wellness, maintenance, or improvement programs under certain circumstances; providing requirements; amending s. 641.31, F.S.; authorizing health maintenance organizations offering certain point-of-service riders to offer such riders to certain employers for certain employees; providing requirements and limitations; providing for application of certain claim payment methodologies to certain types of insurance; providing for rebate of certain premiums for participation in health wellness, maintenance, or improvement programs under certain circumstances; providing requirements; preserving certain rights to enrollment in certain health benefit coverage for certain groups under certain circumstances; creating s. 465.0244, F.S.; requiring each pharmacy to make available on its Internet website a link to certain performance outcome and financial data of the Agency for Health Care Administration and a notice of the availability of such information; amending s. 627.6499, F.S.; requiring each health insurer to make available on its Internet website a link to certain performance outcome and financial data of the Agency for Health Care Administration and a notice in policies of the availability of such information; amending s. 641.54, F.S.; requiring health maintenance organizations to make certain insurance financial information available to subscribers; requiring health maintenance organizations to make available on its Internet website a link to certain performance outcome and financial data of the Agency for Health Care Administration and a notice in policies of the availability of such information; repealing s. 408.02, F.S., relating to the development, endorsement, implementation, and evaluation of patient management practice parameters by the Agency for Health Care Administration; repealing s. 766.1016(3), F.S., which requires a patient safety organization to promptly remove patient-identifying information from patient safety data reported to the organization and requires such organization to maintain the confidentiality of patient-identifying information; providing appropriations; providing an effective date.

By the Committee on Ethics and Elections; and Senators Atwater and Smith—

**CS for SB 2920**—A bill to be entitled An act relating to constitutional amendments proposed by initiative; amending s. 100.371, F.S.; providing a deadline by which the supervisors of elections must verify the validity of signatures submitted in support of a citizen initiative to amend the State Constitution; requiring the Secretary of State to conduct public hearings on proposed amendments or revisions to the State Constitution; providing an effective date.

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

**CS for SB 2946**—A bill to be entitled An act relating to elections; amending s. 101.031, F.S.; requiring the supervisor of elections to post at all polling places the Voter's Bill of Rights printed in large bold type; directing that the Voter's Bill of Rights contain notice of the availability of accommodations for person's with disabilities; providing that a voter with a disability may ask for an accommodation; amending s. 102.014, F.S.; requiring that training for poll workers include instructions on a voter's right to obtain, and the duty of each supervisor of elections to provide, accommodations during the voting process; directing the Governor's Working Group on the Americans with Disabilities Act, or its successor, to provide the training materials for the accommodation training to the supervisors of elections, the Department of Elderly Affairs, the area agencies on aging, and voter registration agencies; requiring that the materials be distributed to the public; providing an effective date.

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By the Committee on Regulated Industries; and Senator Atwater—

**CS for SB 2984**—A bill to be entitled An act relating to homeowners' associations; amending s. 720.301, F.S.; defining the terms "division" and "member"; amending s. 720.302, F.S.; prescribing a legislative purpose of providing alternative dispute resolution procedures for disputes involving elections and recalls; providing acts that constitute crimes; providing penalties; amending s. 720.303, F.S.; prescribing the right of an association to enforce deed restrictions; prescribing rights of members and parcel owners to attend and address association board meetings and to have items placed on an agenda; prescribing additional requirements for notice of meetings; providing for additional materials to be maintained as records; providing additional requirements and limitations with respect to inspecting and copying records; providing requirements with respect to financial statements; providing procedures for recall of directors; amending s. 720.304, F.S.; prescribing owners' rights with respect to flag display; prohibiting certain lawsuits against parcel owners; providing penalties; amending s. 720.305, F.S.; providing that a fine by an association cannot become a lien against a parcel; providing for attorney's fees in actions to recover fines; creating s. 720.3055, F.S.; prescribing requirements for contracts for products and services; amending s. 720.306, F.S.; providing for notice of and right to speak at member meetings; requiring election disputes between a member and an association to be submitted to mandatory binding arbitration; amending s. 720.311, F.S.; expanding requirements and guidelines with respect to alternative dispute resolution; providing requirements for mediation and arbitration; providing for training and education programs; transferring, renumbering, and amending s. 689.26, F.S.; modifying the disclosure form that a prospective purchaser must receive before a contract for sale; providing that certain contracts are voidable for a specified period; requiring that a purchaser provide written notice of cancellation; transferring and renumbering s. 689.265, F.S., relating to required financial reports of certain residential subdivision developers; amending s. 498.025, F.S., relating to the disposition of subdivided lands; conforming cross-references; creating s. 720.402, F.S.; providing remedies for publication of false and misleading information; creating s. 720.501, F.S.; providing implied warranties relating to real and personal property; amending s. 34.01, F.S.; providing jurisdiction of disputes involving homeowners' associations; amending ss. 316.00825, 558.002, F.S.; conforming cross-references; providing for internal organization of ch. 720, F.S.; providing an effective date.

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

**CS for SB 3004**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; redesignating "paper ballot" as "marksense ballot" and redefining the term "voting system"; amending s. 97.052, F.S.; providing an additional purpose for statewide voter registration applications; amending s. 99.095, F.S.; revising procedures for qualification by petition; amending s. 99.0955, F.S.; revising method of qualification by candidates with no party affiliation; amending s. 99.096, F.S.; revising method of qualification by minor party candidates; amending s. 100.011, F.S.; providing that electors in line to vote at the closing of the polls must be allowed to vote; amending s. 100.111, F.S.; revising procedures to be followed in the event of a vacancy in nomination; amending s. 101.031, F.S.; revising provisions regarding the responsibility for furnishing instructions for electors; amending ss. 101.048, 101.049, F.S.; providing for voting of provisional ballots by persons with disabilities; amending s. 101.131, F.S.; revising the number of authorized poll watchers; providing for certain political committees to have poll watchers; revising provisions for designation of poll watchers; amending s. 101.151, F.S.; revising specifications for ballots; amending s. 101.171, F.S.; providing for copies of proposed constitutional amendments to be provided in booklet or poster form; amending s. 101.253, F.S.; prescribing duties of the supervisor of elections with respect to ballots in cases of vacancy in nomination; amending s. 101.294, F.S.; prohibiting governing bodies from deploying uncertified voting equipment; prohibiting vendors of voting equipment from providing uncertified voting systems; requiring vendors of voting equipment to provide certifications that voting systems have been certified; amending s. 101.295, F.S.; providing penalties for unlawfully providing voting systems; amending s. 101.5606, F.S.; conforming to a change in terminology; providing an additional requirement for voting systems; amending s. 101.595, F.S.; revising duties of the supervisor of elections with respect to reporting under votes and overvotes; amending s. 101.6103, F.S.; allowing mail ballots to begin being canvassed 4 days before the election; amending s. 101.62, F.S.; revising provisions relating to absentee ballots for overseas voters; amending s. 101.64, F.S.; requiring absentee voters voting pursuant to the Uniformed and Overseas Citizens Absentee Voting Act to use a standard oath as prescribed by federal law; amending s. 101.68, F.S.; providing an exemption from the witness requirement for absentee ballots for certain voters; amending s. 101.6923, F.S.; revising requirements for instructions for certain first-time voters voting an absentee ballot; amending s. 101.694, F.S.; revising guidelines for absentee envelopes; amending s. 101.697, F.S.; requiring the Department of State to determine security of electronic transmissions of certain absentee ballots before adopting rule; amending s. 102.012, F.S.; providing for a single election board in each precinct; amending s. 102.111, F.S.; allowing the Elections Canvassing Commission to delegate the authority to order recounts to the chief election officer; amending s. 102.071, F.S.; deleting the requirement that the certificate of results be prepared in triplicate; amending s. 102.141, F.S.; deleting the requirement that the canvass be filed with the county court judge; clarifying responsibility for ordering recounts; deleting the requirement for the logic and accuracy test at the completion of the recount; extending the deadline for reporting results of the machine recount; amending s. 102.166, F.S.; clarifying responsibility for ordering manual recounts; clarifying that manual recounts are only conducted with marksense ballots and when the number of overvotes and undervotes could change the outcome of the election; amending s. 102.168, F.S.; revising provisions with respect to the time for contesting an election; declaring the county canvassing board and the Elections Canvassing Commission indispensable parties in contested elections; amending s. 105.031, F.S.; exempting write-in candidates for certain office from payment of the qualifying fee; amending s. 105.035, F.S.; revising procedures for qualifying as candidate for judicial or school board office by petition; amending s. 106.011, F.S.; defining the term "eliminated candidate"; amending s. 106.07, F.S.; revising requirements for filing campaign reports; allowing electronic receipts to be used as proof of filing; creating s. 106.0705, F.S.; providing for electronic filing of campaign treasurer's reports; providing standards and guidelines; amending s. 106.075, F.S.; revising requirement with respect to reporting loans; amending s. 106.08, F.S.; prohibiting candidates from expending funds from campaign account to obtain endorsements; amending s. 106.087, F.S.; exempting committees of continuous existence from certain prohibitions with respect to expenditures; amending s. 106.09, F.S.; prohibiting acceptance of certain contributions made by money order; providing penalties; amending s. 106.11, F.S.; revising provisions relating to reporting use of debit cards; amending s. 106.29, F.S.; revising provisions relating to reports by political parties; requiring voting systems to meet certain requirements by a date certain; repealing s. 98.181,

F.S., relating to the supervisor of elections making up indexes or records; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S., relating to duties of elections boards; repealing s. 106.085, F.S., relating to independent expenditures; repealing s. 106.144, F.S., relating to endorsements or opposition by certain groups and organizations; amending s. 22, ch. 2002-281, Laws of Florida; changing the effective date of certain sections of ch. 2002-281, Laws of Florida; amending s. 287.057, F.S.; adding an exemption to the competitive solicitation requirement to exempt certain voter education activities; amending s. 101.131, F.S.; authorizing political parties to have a certain number of at-large poll watchers; revising provisions for designation of poll watchers; amending s. 106.023, F.S.; providing that the execution and filing of the statement of candidate does not create a presumption of a willful violation of ch. 106 or ch. 104, F.S.; amending s. 106.04, F.S.; reducing the fine for late filing of campaign finance reports by committees of continuous existence; providing for deposit of fine proceeds into the General Revenue Fund; amending s. 106.07, F.S.; requiring the reporting of certain expenditures made indirectly through a campaign treasurer for certain goods and services; deleting a requirement making candidates personally liable for payment of late-filing fines for campaign finance reports; directing the deposit of certain late-filing fines for campaign finance reports to the General Revenue Fund; modifying procedures and grounds for contesting certain late-filing fines; amending s. 106.141, F.S.; providing for deposit of reimbursed election assessments into the General Revenue Fund; amending s. 106.25, F.S.; requiring sworn complaints to the Florida Elections Commission to be based upon personal knowledge of the complainant; limiting the commission's investigatory authority; precluding the filing of certain complaints; authorizing respondents, complainants, and their counsel to attend hearings at which probable cause is determined; requiring prior notice; permitting a brief oral statement; specifying basis for determining probable cause; amending s. 106.29, F.S.; providing for deposit of late-filing fees for political party campaign finance reports into the General Revenue Fund; providing effective dates.

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By the Committees on Judiciary, Ethics and Elections; and Senator Cowin—

**CS for CS for SB 3004**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; redesignating “paper ballot” as “marksense ballot” and redefining the term “voting system”; amending s. 97.052, F.S.; providing an additional purpose for statewide voter registration applications; amending s. 99.095, F.S.; revising procedures for qualification by petition; amending s. 99.0955, F.S.; revising method of qualification by candidates with no party affiliation; amending s. 99.096, F.S.; revising method of qualification by minor party candidates; amending s. 100.011, F.S.; providing that electors in line to vote at the closing of the polls must be allowed to vote; amending s. 100.111, F.S.; revising procedures to be followed in the event of a vacancy in nomination; amending s. 101.031, F.S.; revising provisions regarding the responsibility for furnishing instructions for electors; amending ss. 101.048, 101.049, F.S.; providing for voting of provisional ballots by persons with disabilities; amending s. 101.131, F.S.; revising the number of authorized poll watchers; providing for certain political committees to have poll watchers; revising provisions for designation of poll watchers; amending s. 101.151, F.S.; revising specifications for ballots; amending s. 101.171, F.S.; providing for copies of proposed constitutional amendments to be provided in booklet or poster form; amending s. 101.253, F.S.; prescribing duties of the supervisor of elections with respect to ballots in cases of vacancy in nomination; amending s. 101.294, F.S.; prohibiting governing bodies from deploying uncertified voting equipment; prohibiting vendors of voting equipment from providing uncertified voting systems; requiring vendors of voting equipment to provide certifications that voting systems have been certified; amending s. 101.295, F.S.; providing penalties for unlawfully providing voting systems; amending s. 101.5606, F.S.; conforming to a change in terminology; providing an additional requirement for voting systems; amending s. 101.595, F.S.; revising duties of the supervisor of elections with respect to reporting under votes and overvotes; amending s. 101.6103, F.S.; allowing mail ballots to begin being canvassed 4 days before the election; amending s. 101.62, F.S.; revising provisions relating to absentee ballots for overseas voters; amending s. 101.64, F.S.; requiring absentee voters voting pursuant to the Uniformed and Overseas Citizens Absentee Voting Act to use a standard oath as prescribed by federal law; amending s. 101.68, F.S.; providing an exemption from the witness requirement for absentee ballots for certain voters; amending s. 101.6923, F.S.; revising requirements

for instructions for certain first-time voters voting an absentee ballot; amending s. 101.694, F.S.; revising guidelines for absentee envelopes; amending s. 101.697, F.S.; requiring the Department of State to determine security of electronic transmissions of certain absentee ballots before adopting rule; amending s. 102.012, F.S.; providing for a single election board in each precinct; amending s. 102.111, F.S.; allowing the Elections Canvassing Commission to delegate the authority to order recounts to the chief election officer; amending s. 102.071, F.S.; deleting the requirement that the certificate of results be prepared in triplicate; amending s. 102.141, F.S.; deleting the requirement that the canvass be filed with the county court judge; clarifying responsibility for ordering recounts; deleting the requirement for the logic and accuracy test at the completion of the recount; extending the deadline for reporting results of the machine recount; amending s. 102.168, F.S.; revising provisions with respect to the time for contesting an election; declaring the county canvassing board and the Elections Canvassing Commission indispensable parties in contested elections; amending s. 105.031, F.S.; exempting write-in candidates for certain office from payment of the qualifying fee; amending s. 105.035, F.S.; revising procedures for qualifying as candidate for judicial or school board office by petition; amending s. 106.011, F.S.; defining the term “eliminated candidate”; amending s. 106.07, F.S.; revising requirements for filing campaign reports; allowing electronic receipts to be used as proof of filing; creating s. 106.0705, F.S.; providing for electronic filing of campaign treasurer's reports; providing standards and guidelines; amending s. 106.075, F.S.; revising requirement with respect to reporting loans; amending s. 106.08, F.S.; prohibiting candidates from expending funds from campaign account to obtain endorsements; amending s. 106.087, F.S.; exempting committees of continuous existence from certain prohibitions with respect to expenditures; amending s. 106.09, F.S.; prohibiting acceptance of certain contributions made by money order; providing penalties; amending s. 106.11, F.S.; revising provisions relating to reporting use of debit cards; amending s. 106.29, F.S.; revising provisions relating to reports by political parties; requiring voting systems to meet certain requirements by a date certain; repealing s. 98.181, F.S., relating to the supervisor of elections making up indexes or records; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S., relating to duties of elections boards; repealing s. 106.085, F.S., relating to independent expenditures; repealing s. 106.144, F.S., relating to endorsements or opposition by certain groups and organizations; amending s. 22, ch. 2002-281, Laws of Florida; changing the effective date of certain sections of ch. 2002-281, Laws of Florida; amending s. 287.057, F.S.; adding an exemption to the competitive solicitation requirement to exempt certain voter education activities; amending s. 101.131, F.S.; authorizing political parties to have a certain number of at-large poll watchers; revising provisions for designation of poll watchers; amending s. 106.023, F.S.; providing that the execution and filing of the statement of candidate does not create a presumption of a willful violation of ch. 106 or ch. 104, F.S.; amending s. 106.04, F.S.; reducing the fine for late filing of campaign finance reports by committees of continuous existence; providing for deposit of fine proceeds into the General Revenue Fund; amending s. 106.07, F.S.; requiring the reporting of certain expenditures made indirectly through a campaign treasurer for certain goods and services; deleting a requirement making candidates personally liable for payment of late-filing fines for campaign finance reports; directing the deposit of certain late-filing fines for campaign finance reports to the General Revenue Fund; modifying procedures and grounds for contesting certain late-filing fines; amending s. 106.141, F.S.; providing for deposit of reimbursed election assessments into the General Revenue Fund; amending s. 106.25, F.S.; requiring sworn complaints to the Florida Elections Commission to be based upon personal knowledge of the complainant; limiting the commission's investigatory authority; precluding the filing of certain complaints; authorizing respondents, complainants, and their counsel to attend hearings at which probable cause is determined; requiring prior notice; permitting a brief oral statement; specifying basis for determining probable cause; amending s. 106.29, F.S.; providing for deposit of late-filing fees for political party campaign finance reports into the General Revenue Fund; providing effective dates.

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By the Committee on Education; and Senators Carlton and Constantine—

**CS for SB 3036**—A bill to be entitled An act relating to early childhood education; creating part V of ch. 1002, F.S.; creating the Florida Prekindergarten Education Program; implementing s. 1(b) and (c), Art. IX of the State Constitution; providing definitions for purposes of the

program; providing eligibility and enrollment requirements; authorizing parents to enroll their children in a program delivered by a child development provider or a summer program delivered by a public school; requiring school districts to admit all eligible children in the summer program; prohibiting specified acts of discrimination and certain limits on enrollment; specifying eligibility requirements for child development providers and public schools that deliver the program; providing for the adoption of rules; requiring the Department of Education to submit recommendations to the Legislature and establish a credential for pre-kindergarten directors and an emerging literacy training course for teachers and child care personnel of the Florida Prekindergarten Education Program; providing that the credential and course satisfy certain credentialing and training requirements; creating a demonstration program in specified school districts; directing the Office of Program Policy Analysis and Government Accountability to evaluate the demonstration program; requiring the demonstration districts to submit data; providing for the future expiration of the demonstration program; authorizing providers and schools to select or design curricula used for the program under specified conditions; directing the Department of Education to adopt performance standards and approve curricula; requiring providers and schools to be placed on probation and use the approved curricula under certain circumstances; requiring improvement plans and corrective actions from providers and schools under certain circumstances; requiring regional child development boards and school districts to verify compliance of child development providers and public schools; authorizing the removal of providers and schools from eligibility to deliver the program for noncompliance; requiring the Department of Education to adopt a statewide kindergarten screening; requiring certain students to take the statewide screening; specifying requirements for screening instruments and kindergarten readiness rates; providing funding and reporting requirements; specifying the calculation of full-time equivalent student membership in the program; providing for the allocation of program funds among school districts; providing for the documentation and certification of student attendance; requiring student membership surveys; providing for the reallocation of program funds in accordance with the membership surveys; providing for the payment of regional child development boards and child development providers; prohibiting school districts and regional child development boards from withholding funds for administrative costs; providing for the allocation of administrative funds among regional child development boards; requiring students to comply with attendance policies and authorizing the dismissal of students for noncompliance; prohibiting certain fees or charges; limiting the use of state funds; providing powers and duties of the Department of Education, the Division of Early Childhood Education, and the Chancellor for Early Childhood Education; requiring the Department of Education to adopt procedures for the Florida Prekindergarten Education Program; limiting the department's authority; creating the Florida Child Development Advisory Council; providing for the appointment and membership of the advisory council; providing membership and meeting requirements; authorizing council members to receive per diem and travel expenses; requiring the Department of Education to provide staff for the advisory council; providing for the adoption of rules; amending s. 411.01, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation; deleting provisions for the appointment and membership of the partnership; redesignating school readiness coalitions as regional child development boards; deleting obsolete references to repealed programs; deleting obsolete provisions governing the phase in of school readiness programs; deleting provisions governing the measurement of school readiness, the school readiness uniform screening, and performance-based budgeting in school readiness programs; specifying requirements for school readiness performance standards; clarifying rulemaking requirements; limiting the Agency for Workforce Innovation's authority; revising requirements for school readiness programs; specifying that school readiness programs must enhance the progress of children in certain skills; requiring the Agency for Workforce Innovation to administer a quality-assurance system and identify best practices for regional child development boards; requiring a reduction in the number of boards in accordance with specified standards; revising appointment and membership requirements for the boards; directing the Agency for Workforce Innovation to adopt criteria for the appointment of certain members; requiring each board to specify terms of board members; prohibiting board members from voting under certain circumstances; providing a definition for purposes of the single point of entry; requiring regional child development boards to use a statewide information system; requiring the Agency for Workforce Innovation to approve payment rates and consider the access of eligible children before approving proposals to increase rates; deleting requirements for the minimum number of children

served; providing requirements for developmentally appropriate curriculum used for school readiness programs; authorizing contracts for the continuation of school readiness services under certain circumstances; requiring the Agency for Workforce Innovation to adopt criteria for the approval of school readiness plans; revising requirements for school readiness plans; providing requirements for the approval and implementation of plan revisions; revising competitive procurement requirements for regional child development boards; clarifying age and income eligibility requirements for school readiness programs; revising eligibility requirements for certain at-risk children; revising funding requirements; revising requirements for the adoption of a formula for the allocation of certain funds among the regional child development boards; deleting an obsolete provision requiring a report; deleting the expiration of eligibility requirements for certain children from families receiving temporary cash assistance; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the school readiness system; conforming provisions; amending s. 20.15, F.S.; creating the Division of Early Childhood Education within the Department of Education; specifying that the Commissioner of Education does not appoint members of the Florida Child Development Advisory Council; amending s. 20.50, F.S.; creating the Office of Child Development within the Agency for Workforce Innovation; providing that the office administers the school readiness system; amending s. 125.901, F.S.; conforming provisions; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Child Development Programs Estimating Conference; requiring the estimating conference to develop certain estimates and forecasts for the Florida Prekindergarten Education Program; directing the Department of Education to provide certain information to the estimating conference; conforming provisions; amending ss. 402.3016, 411.011, 411.226, 411.227, 624.91, 1001.23, and 1002.22, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and to the redesignation of the school readiness coalitions as regional child development boards; requiring the Department of Education to submit a report; requiring the Governor to submit certain recommendations as part of the Governor's recommended budget; abolishing the Florida Partnership for School Readiness and providing for the transfer of the partnership to the Agency for Workforce Innovation; repealing ss. 411.012 and 1008.21, F.S., relating to the voluntary universal pre-kindergarten education program and the school readiness uniform screening; providing appropriations; providing for the allocation of appropriations among certain school districts; providing effective dates.

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By the Committee on Regulated Industries; and Senator Bennett—

**CS for SB 3046**—A bill to be entitled An act relating to construction defects; amending s. 558.001, F.S.; revising legislative findings and declarations; amending s. 558.002, F.S.; revising definitions; amending s. 558.003, F.S.; providing requirements for filing actions alleging construction defects; requiring abatement, upon timely motion, of certain actions filed that do not comply with certain requirements; amending s. 558.004, F.S.; revising requirements, procedures, criteria, and limitations in provisions relating to notice and opportunity to repair construction defects in certain structures; providing requirements and procedures for making, accepting, or rejecting settlement offers; providing for consequences of certain actions relating to settlement offers; specifying legal obligation to make certain repairs or monetary payments under certain circumstances; providing a mutual duty to exchange certain discoverable evidence; providing requirements and limitations; amending s. 558.005, F.S.; revising certain contract content provisions; providing a notice form; providing application; providing severability; providing an effective date.

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 192 which he approved on April 6, 2004; and CS for SB 118 which he approved on April 8, 2004.

## EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Florida Building Code Administrators and Inspectors Board	
Appointees: Nagin, Robert D., Clearwater	10/31/2007
Pass, Margaret Rose Collins, Coral Gables	10/31/2006
Board of Trustees of Florida Keys Community College	
Appointee: Bisceglia, Kathryn "Sandi", Islamorada	05/31/2006
Tampa-Hillsborough County Expressway Authority	
Appointee: Hargrett, James T., Jr., Tampa	07/01/2005
Board of Funeral and Cemetery Services	
Appointee: Brudnicki, Greg, Panama City	09/08/2007
Apalachee Regional Planning Council, Region 2	
Appointee: Frisby, David, Monticello	10/01/2005
<b>[Referred to the Committee on Ethics and Elections.]</b>	
Secretary of Juvenile Justice	
Appointee: Denman, C. George, Tallahassee	Pleasure of Governor
<b>[Referred to the Committees on Criminal Justice; and Ethics and Elections.]</b>	
Board of Trustees, University of Florida	
Appointee: Brown, C. David II, Windermere	01/06/2008
Board of Trustees, University of West Florida	
Appointee: Merrill, J. Collier, Pensacola	01/06/2008
<b>[Referred to the Committees on Education; and Ethics and Elections.]</b>	
Governing Board of the Northwest Florida Water Management District	
Appointee: Bradshaw, Paul R., Havana	03/01/2008
<b>[Referred to the Committees on Natural Resources; and Ethics and Elections.]</b>	

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

**FIRST READING**

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed HB 1839, HB 1841, HB 1847, HB 1853, HB 1859, HB 1863, HB 1865, HB 1869, HB 1871, HB 1877, HB 1879, HB 1881; has passed as amended HB 1849, HB 1851, HB 1851, HB 1867, HB 1873, HB 1883 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Appropriations; and Representative Brummer—

**HB 1839**—A bill to be entitled An act relating to the surplus lines tax; amending ss. 626.932 and 626.938, F.S.; deleting provisions providing for deposit of a portion of certain taxes and interest into the Insurance Regulatory Trust Fund; providing for deposit of all of certain taxes and interest into the General Revenue Fund; repealing s. 624.523(1)(h) and (i), F.S., relating to deposit of certain taxes and interest into the Insurance Regulatory Trust Fund, to conform; providing an effective date.

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

By the Committee on Appropriations; and Representative Brummer—

**HB 1841**—A bill to be entitled An act relating to the Budget Stabilization Fund; amending s. 216.222, F.S.; providing for transferring of funds

from the Budget Stabilization Fund to the State Risk Management Trust Fund for emergencies relating to certain property losses incurred by the state; specifying conditions of such an emergency; providing certain limitations on such transfers; amending s. 215.18, F.S.; conforming a cross reference; providing an effective date.

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

By the Committee on Appropriations; and Representative Negron—

**HB 1847**—A bill to be entitled An act relating to the capital collateral regional counsel; amending s. 27.701, F.S.; extending the term of the capital collateral regional counsel pilot program; providing for legislative determination of converting the pilot program to a permanent program after receipt of Auditor General's review; deleting an expiration date; amending s. 27.702, F.S.; removing authorization for representation by capital collateral regional counsel in federal courts; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

By the Committee on Appropriations; and Representative Baker—

**HB 1853**—A bill to be entitled An act relating to citrus canker; amending s. 581.184, F.S.; requiring the Department of Agriculture and Consumer Services to provide notice to property owners of the removal of citrus trees infected with or exposed to citrus canker; amending s. 581.1845, F.S.; revising eligibility for compensation and the compensation amount for citrus trees removed through a citrus canker eradication program; providing an effective date.

—was referred to the Committees on Agriculture; and Judiciary.

By the Committee on Appropriations; and Representative Brummer—

**HB 1859**—A bill to be entitled An act relating to the state executive aircraft pool; amending s. 287.161, F.S.; removing limitations on the amount charged for aircraft travel and on the deposit and use of fees collected; removing an expiration date; providing an effective date.

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

By the Committee on Appropriations; and Representative Green—

**HB 1863**—A bill to be entitled An act relating to health; amending and renumbering s. 216.341, F.S.; exempting Department of Health positions funded by certain trust funds from certain authorization provisions; amending s. 381.0066, F.S.; extending the period for a certain additional fee for purposes of research on onsite sewage treatment and disposal systems; amending s. 385.207, F.S.; correcting the name of a certain official; continuing use of the Epilepsy Services Trust Fund for epilepsy case management services; limiting administrative expenditure from the fund; creating s. 391.310, F.S.; creating the Florida Infants and Toddlers Early Intervention Program; requiring the Department of Health to work with other agencies to implement a certain federal program; amending s. 464.0195, F.S.; providing for a portion of nursing licensure renewal fees to fund the Florida Center for Nursing; providing a prohibition on increasing the renewal fee beyond a certain level; 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 Appropriations; and Representative Green—

**HB 1865**—A bill to be entitled An act relating to the Department of Elderly Affairs; amending s. 430.071, F.S.; revising the definition of “stipend” applicable to respite care volunteers; amending ss. 430.204 and 430.205, F.S.; requiring the department to fund certain community care and core services for the elderly; amending s. 430.502, F.S.; establishing a memory disorder clinic at a specified location; 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 Appropriations; and Representative Brummer—

**HB 1869**—A bill to be entitled An act relating to services provided by the Division of Administrative Hearings; amending s. 120.65, F.S.; providing that certain entities must reimburse the division for services provided and travel expenses incurred by administrative law judges; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

By the Committee on Appropriations; and Representative Baker—

**HB 1871**—A bill to be entitled An act relating to water resources management; amending s. 212.20, F.S.; deleting a provision directing a portion of sales tax revenues to the Ecosystem Management and Restoration Trust Fund for water quality improvement and water restoration purposes; providing for deposit of such revenues into the General Revenue Fund; amending s. 403.885, F.S.; eliminating the Ecosystem Management and Restoration Trust Fund as the funding source for the Water Quality Improvement and Water Restoration Grant Program; providing an effective date.

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

By the Committee on Appropriations; and Representative Bilirakis—

**HB 1877**—A bill to be entitled An act relating to the Florida Crime Laboratory Council; repealing ss. 943.355 and 943.356, F.S., relating to the Florida Crime Laboratory Council; amending s. 943.36, F.S., to conform; providing an effective date.

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

By the Committee on Appropriations; and Representative Baker—

**HB 1879**—A bill to be entitled An act relating to state purchase of agricultural equipment; repealing s. 570.195, F.S., relating to state purchase of equipment associated with the agricultural production of tobacco and the resale of such equipment; providing for deposit in the General Revenue Fund of unspent balances in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services attributable to the purchase and resale program; providing an effective date.

—was referred to the Committees on Agriculture; Appropriations Subcommittee on General Government; and Appropriations.

By the Committee on Appropriations; and Representative Negron—

**HB 1881**—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Justice Administrative Commission, the Department of Corrections, the Department of Legal Affairs,

and the State Courts System; providing for disposition of balances in and revenues of the trust funds; prescribing procedures for the termination of trust funds; amending ss. 27.702, 28.101, 741.01, and 948.09, F.S., to conform; repealing s. 25.388, F.S., relating to the Family Courts Trust Fund, to conform; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

By the Committee on Appropriations; and Representative Kyle—

**HB 1849**—A bill to be entitled An act relating to judicial matters; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of county court judges in specified counties; amending ss. 35.01, 35.03, 35.042, and 35.043, F.S.; revising the composition of the district courts of appeal; revising the judicial circuit composition of the appellate districts; creating s. 35.044, F.S.; creating the Sixth Appellate District; specifying the judicial circuit composition of the district; amending s. 35.05, F.S.; revising the organization of the headquarters of the appellate districts; amending s. 35.06, F.S.; specifying the judicial organization of the Sixth Appellate District; specifying governance of the sixth district by case law as established by rule of the Supreme Court; specifying the effective date of newly created seats for judges; amending s. 43.291, F.S.; revising organization and membership of judicial nominating commissions to conform; providing for appointment of new judges by the Governor; requiring the Governor to make appointments in compliance with the State Constitution; providing that the provisions of the act are not severable; providing effective dates.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Article V Implementation and Judiciary; Appropriations; and Rules and Calendar.

By the Committee on Appropriations; and Representative Bilirakis—

**HB 1851**—A bill to be entitled An act relating to the costs of supervision and care for juvenile offenders; clarifying the authority of the court to assess fees to parents for the costs associated with the supervision or care of a child by the Department of Juvenile Justice; creating s. 985.2311, F.S.; requiring the court to order the parent of a child placed in home detention, probation, or other supervision status or placed into secure detention or on committed status with the department to pay a daily fee for the cost of such child’s supervision or care; specifying the amount of the fee associated with the cost of supervision; specifying the amount of the fee associated with the cost of care; requiring the parent of such child to provide specified identifying information and information pertaining to the parent’s ability to pay such fees; providing for enforcement of such requirement through contempt proceedings; authorizing the court to apportion the payment obligation; requiring the court to waive or reduce such fees upon a finding of indigency or significant financial hardship; requiring such finding to be supported by facts and detailed in writing; authorizing the court to reduce or waive such fees as to any parent who was a victim of the child’s delinquent act in certain circumstances; requiring the court to make written findings as to what fees are ordered, reduced, or waived; providing a presumption in the absence of such order; authorizing the court to order a child to pay such fees in certain circumstances; requiring the department to seek a federal waiver to garnish public assistance benefits in certain circumstances; providing procedures if an order for payment of such fees affects the guardianship of an estate; authorizing the department to employ certain agencies in the collection of delinquent or unpaid fees; providing for payment for the services of such collection agency; requiring that certain documentation be provided relating to the payment of such fees; providing for all moneys collected by the department or collection agency in connection with such fees to be transferred to the Grants and Donations Trust Fund; prohibiting the court or the department from extending a child’s length of supervision or care solely for the purpose of collecting such fees; providing a limitation of the responsibility of a parent or child for such fees; providing for a refund in certain circumstances; defining the term “parent”; amending s. 985.21, F.S.; revising cross references, to conform; amending s. 985.215, F.S.; requiring the court to order a parent

to pay fees associated with the cost of the supervision or care of any child placed on detention status with the department; providing a cross reference; deleting provisions relating to the assessment and collection of fees associated with the cost of such care to conform; amending s. 985.231, F.S.; requiring the court to order a parent to pay fees associated with the cost of the supervision or care of any child found to have committed a delinquent act, regardless of adjudication, and placed under the supervision or in the temporary custody of the department; providing a cross reference; deleting provisions relating to the assessment and collection of fees associated with the cost of such supervision or care to conform; amending s. 985.233, F.S.; providing for the recoupment of the cost of supervision or care in juvenile justice programs or facilities; requiring the court to order a parent to pay fees associated with the cost of the supervision or care of any child supervised by or committed to the department; providing a cross reference; deleting provisions relating to the assessment and collection of fees associated with the cost of such supervision or care to conform; requiring the court to reduce the fees owed by parents or guardians for the cost of a child's care or supervision by the department in certain circumstances where the parent or guardian successfully completes a parenting course; providing a limit on the amount that such fees may be reduced; providing for the future repeal of the requirement; providing an effective date.

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

By the Committee on Appropriations; and Representative Simmons—

**HB 1867**—A bill to be entitled An act relating to education funding; amending s. 24.121, F.S.; requiring school districts to establish certain policies and procedures relating to lottery fund enhancements; amending s. 1002.32, F.S.; prohibiting use of funds for lab schools for certain overhead or indirect costs; amending s. 1008.22, F.S.; authorizing outsourcing of statewide assessment program activities; allowing for contracts extending into two fiscal years; amending s. 1009.23, F.S.; requiring identical fees for all community college students taking a specific course; amending s. 1009.26, F.S.; specifying the maximum fee waiver percentage for school districts and community colleges; amending s. 1011.57, F.S.; prohibiting out-of-state fee waivers by the Florida School for the Deaf and the Blind; amending s. 1011.62, F.S.; revising eligibility requirement for use of the small, isolated high school multiplier; creating s. 1011.63, F.S.; prohibiting reporting for state funding for purposes of the Florida Education Finance Program of courses or programs fully funded externally; amending s. 1011.66, F.S.; setting forth the method and timing of distributing Florida Education Finance Program funds; amending s. 1011.67, F.S.; setting forth the method and timing of distributing funds for instructional materials; amending s. 1011.765, F.S.; modifying the Florida Academic Improvement Trust Fund matching grant program to serve low-performing students; providing for matching grants to public school district education foundations; amending s. 1011.80, F.S.; prohibiting reporting for state funding of courses or programs fully funded externally; amending s. 1011.84, F.S.; providing reporting requirements with respect to inmate education provided by community colleges; directing that inmates not be included in FTE student enrollment for funding through the Community College Program Fund; prohibiting reporting for state funding of courses or programs fully funded externally; amending s. 1012.05, F.S.; authorizing the Department of Education to collect registration and booth fees for a job fair; authorizing certain uses for such funds; amending s. 1012.35, F.S.; providing standards and training for substitute teachers; requiring the department to develop training resources and school districts to develop performance appraisal measures; amending s. 1012.72, F.S.; authorizing the use of Dale Hickam Excellent Teaching Program funds for certain purposes; providing an effective date.

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

By the Committee on Appropriations; and Representative Brummer—

**HB 1873**—A bill to be entitled An act relating to the Budget Stabilization Fund; amending s. 215.32, F.S.; authorizing prepayments of trans-

fers to the Budget Stabilization Fund; providing that certain prepaid amounts are not to be considered as part of other maintained funds; authorizing funds to be withdrawn under certain circumstances; providing an effective date.

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

By the Committee on Appropriations; and Representative Kyle—

**HB 1883**—A bill to be entitled An act relating to trust funds; amending s. 199.292, F.S.; requiring that proceeds of the intangible personal property tax be deposited into the General Revenue Fund rather than a special trust fund, excluding governmental leasehold taxes; terminating the Intangible Tax Trust Fund; providing for disposition of balances in and revenues of the terminated trust fund; prescribing procedures for the termination of the trust fund; providing an effective date.

—was referred to the Committees on Appropriations Subcommittee on General Government; and Appropriations.

## RETURNING MESSAGES ON HOUSE BILLS

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 1835 and acceded to the request of the Senate for the appointment of a conference committee.

*John B. Phelps, Clerk*

**HB 1835**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2004, and ending June 30, 2005, 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.

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 1837 and acceded to the request of the Senate for the appointment of a conference committee.

*John B. Phelps, Clerk*

**HB 1837**—A bill to be entitled An act implementing the 2004-2005 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2004-2005 fiscal year; amending s. 220.187, F.S.; specifying the total amount of scholarship funding tax credits and carryforward tax credits that may be granted for the 2004-2005 fiscal year; 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; amending s. 409.1671, F.S.; requiring that funds for privatized foster care and related services be allocated in accordance with a methodology adopted by the Department of Children and Family Services by rule and granting rulemaking authority for such purpose; providing for lump sum funding in the Department of Children and Family Services to provide for continuity of foster care under certain circumstances; amending s. 394.908, F.S.; providing for substance abuse and mental health funding equity as provided in the General Appropriations Act; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a mental health treatment facility; authorizing the Department of Corrections and the Department of Juvenile Justice 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 respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due process appropriations; 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; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; amending s. 373.59, F.S.; reallocating funds from the Water Management Lands Trust Fund to water management districts; 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. 411.01, F.S.; providing priority for placement of children in the school readiness program; 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 funds from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; amending s. 311.07, F.S.; continuing eligibility of seaport security infrastructure measures for funding by grant under the Florida Seaport Transportation and Economic Development Program; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer certain funds to align budget authority pursuant to redesign of the State Employees Group Health Insurance 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; providing for implementation of strategies for state agencies to reduce salary budget; requiring vendors to agree to use only state residents in certain contracts; authorizing the Department of Management Services to waive such requirement under certain circumstances; providing waiver criteria amount to employing state residents; providing for ineligibility for further funds or incentives for violation; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2004-2005 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing applicability to other legislation; providing severability; providing an effective date.

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The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 1843 and acceded to the request of the Senate for the appointment of a conference committee.

*John B. Phelps, Clerk*

**HB 1843**—A bill to be entitled An act relating to health care; amending s. 395.701, F.S.; revising, providing, and deleting definitions relating to assessments on certain net operating revenues; amending s. 400.23, F.S.; delaying a nursing home staffing increase; amending s. 408.07, F.S.; revising a definition relating to revenue deductions; amending s. 409.814, F.S.; revising a redetermination review period for the Florida KidCare Program; amending s. 409.905, F.S., relating to mandatory Medicaid services; requiring utilization management of private duty nursing services; establishing a hospitalist program; limiting payment

for bed hold days for nursing facilities; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture and adult hearing and visual services; eliminating vacancy interim rates for intermediate care facility for the developmentally disabled services; requiring utilization management for home and community-based services; consolidating home and community-based services; amending s. 409.908, F.S.; deleting certain guidelines relating to reimbursement of Medicaid providers; mandating the payment method of county health departments; amending s. 409.911, F.S.; authorizing the convening of the Medicaid Disproportionate Share Task Force and providing duties thereof; amending s. 409.912, F.S.; granting Medicaid provider network management; providing limits on certain drugs; providing for management of mental health drugs; reducing payment for pharmaceutical ingredient prices; expanding the existing pharmaceutical supplemental rebate threshold; correcting cross references; amending s. 409.9122, F.S.; revising enrollment policies with respect to the selection of a managed care plan at the time of Medicaid application; revising prerequisites to mandatory assignment; amending s. 409.915, F.S.; providing a new calculation method for county nursing home contributions to Medicaid; authorizing the Agency for Health Care Administration to seek federal waivers necessary to implement Medicaid reform; providing effective dates.

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The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 1845 and acceded to the request of the Senate for the appointment of a conference committee.

*John B. Phelps, Clerk*

**HB 1845**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.04, F.S.; providing the location for program offices within the organizational structure of certain departments; amending s. 20.19, F.S.; providing authority to the Secretary of Children and Family Services to ensure the mission of the department is fulfilled; removing the requirement that the secretary appoint a deputy secretary; removing the requirement that such deputy secretary act as secretary in the absence of the secretary; providing additional duties for certain assistant secretaries; requiring the secretary to appoint certain additional assistant secretaries; providing responsibilities; establishing additional program offices; deleting certain program offices; creating certain zones; requiring the secretary to appoint zone directors; providing responsibilities; amending ss. 39.01, 216.177, 394.78, 394.9082, and 409.16745, F.S.; correcting cross references; providing an effective date.

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The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 1855 and acceded to the request of the Senate for the appointment of a conference committee.

*John B. Phelps, Clerk*

**HB 1855**—A bill to be entitled An act relating to the Department of State; transferring the provision of assistance and facilities to the Organization of American States, state protocol officer functions, international development outreach activities in Latin America and the Caribbean Basin, the Florida Intergovernmental Relations Foundation, and intergovernmental relations functions by a type two transfer from the Department of State to the Executive Office of the Governor; excluding the transfer of certain trust funds; transferring linkage institutes between postsecondary institutions in this state and foreign countries by a type two transfer from the Department of State to the Department of Education; excluding the transfer of certain trust funds; amending s. 14.2015, F.S.; providing for the performance of state protocol officer functions and the provision of assistance and facilities to the Organization of American States by the Office of Tourism, Trade, and Economic Development; repealing ss. 15.17 and 15.19, F.S., relating to the provision of assistance and facilities to the Organization of American States

and the performance of state protocol officer functions; amending s. 15.182, F.S.; providing for notification of the Office of Tourism, Trade, and Economic Development regarding international travel by certain cultural arts organizations; amending ss. 288.0251, 288.809, and 288.816, F.S., relating to international development outreach activities in Latin America and the Caribbean Basin, the Florida Intergovernmental Relations Foundation, and intergovernmental relations, to conform; amending s. 288.8175, F.S.; redefining "department" for purposes of linkage institutes between postsecondary institutions in this state and foreign countries; providing an effective date.

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The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 1857 and acceded to the request of the Senate for the appointment of a conference committee.

*John B. Phelps, Clerk*

**HB 1857**—A bill to be entitled An act relating to the Department of Community Affairs; transferring the state energy program and the Clean Fuel Florida Advisory Board by type two transfer from the Department of Community Affairs to the Department of Environmental Protection; amending s. 20.18, F.S.; removing responsibility of the Department of Community Affairs for state energy policy; amending s. 20.255, F.S.; assigning responsibility for the state energy policy to the Department of Environmental Protection; amending s. 163.03, F.S.; removing authority of the Department of Community Affairs for the Coastal Energy Impact Program; amending ss. 288.041, 377.603, 377.701, and 403.42, F.S.; transferring duties of the Department of Community Affairs relating to the solar energy industry, energy data collection, petroleum allocation, and the Clean Fuel Florida Advisory Board to the Department of Environmental Protection; amending s. 288.95155, F.S.; deleting an obsolete reference; amending s. 377.602, F.S.; revising a definition; amending s. 377.703, F.S.; transferring duties of the Department of Community Affairs relating to additional energy functions and responsibilities to the Department of Environmental Protection; providing for rulemaking; amending s. 420.36, F.S.; funding the Low-income Emergency Home Repair Program through the State Housing Trust Fund; transferring the Affordable Housing Catalyst Program by type two transfer from the Department of Community Affairs to the Florida Housing Finance Corporation; excluding the transfer of certain trust funds; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to provide resources for the Affordable Housing Study Commission; authorizing the Florida Housing Finance Corporation to develop and administer the Affordable Housing Catalyst Program; creating s. 420.531, F.S.; providing that the Affordable Housing Catalyst Program be operated by the Florida Housing Finance Corporation; providing for technical support, formation of partnerships, implementation of regulatory reforms, affordable housing programs within local government comprehensive plans, and compliance with federally funded housing programs; amending s. 420.6015, F.S.; revising legislative findings regarding the Department of Community Affairs' housing programs, to conform; amending s. 420.606, F.S.; removing references to the Affordable Housing Catalyst Program in the training and technical assistance program of the Affordable Housing Planning and Community Assistance Act; amending s. 420.609, F.S.; requiring the Florida Housing Finance Corporation to provide certain resources to the Affordable Housing Study Commission; amending s. 420.9075, F.S.; conforming a reference; providing an effective date.

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The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 1875 and acceded to the request of the Senate for the appointment of a conference committee.

*John B. Phelps, Clerk*

**HB 1875**—A bill to be entitled An act relating to the state correctional system; repealing ss. 945.601, 945.602, 945.603, 945.6031, 945.6032,

945.6035, 945.6036, and 945.6037, F.S., relating to the State of Florida Correctional Medical Authority; repealing ss. 957.01-957.16, F.S., relating to the Correctional Privatization Commission; amending ss. 381.90, 394.9151, 395.002, 408.036, 766.101, 784.078, 943.053, 943.13, 943.133, 943.325, 944.02, and 944.023, F.S., to conform; amending s. 944.10, F.S.; requiring the Department of Corrections to assume certain correctional facilities leases and lease-related obligations of the commission; amending s. 944.105, F.S.; requiring the department to assume certain contractual obligations of the commission for certain private correctional facilities; requiring the department to provide a contract monitor for certain purposes; providing monitor duties; authorizing the monitor to have unlimited access to correctional facilities; creating s. 944.1054, F.S.; requiring the Office of Program Policy and Government Accountability to develop and implement an evaluation of the costs and benefits of certain contracts and private contractor performance; requiring a report to the Legislature; amending ss. 944.115 and 944.17, F.S., to conform; amending s. 944.516, F.S.; authorizing the department to charge inmates a monthly administrative processing fee for banking services; specifying a maximum amount; providing for deposit and use of such fees; amending s. 944.7031, F.S., to conform; amending s. 944.717, F.S.; prohibiting bidders or potential bidders on private correctional facility contracts from contacting certain persons regarding any part of the proposal process; providing exceptions; amending ss. 944.72, 944.8041, 945.215, 945.35, 945.6034, 946.5025, 946.503, and 951.27, F.S., to conform; providing effective dates.

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#### CONFEREES APPOINTED

The President appointed the following conferees on **HB 1835**, **HB 1837**, **HB 1843**, **HB 1845**, **HB 1855**, **HB 1857** and **HB 1875**: Senator Pruitt, Chair and Senator Miller, Vice-Chair; Senators Diaz de la Portilla, Jones and Lee, At-Large Members; Appropriations Subcommittee on Article V Implementation and Judiciary: Senator Smith, Chair; Senators Campbell, Geller, Haridopolos, Lee, Villalobos and Wise; Appropriations Subcommittee on Criminal Justice: Senator Crist, Chair; Senators Argenziano, Aronberg, Dawson and Fasano; Appropriations Subcommittee on Education: Senator Carlton, Chair; Senators Alexander, Constantine, Cowin, Hill, Lynn, Miller and Wasserman Schultz; Appropriations Subcommittee on General Government: Senator Clary, Chair; Senators Atwater, Bullard, Dockery, Lawson and Margolis; Appropriations Subcommittee on Health and Human Services: Senator Peaden, Chair; Senators Bennett, Jones, Saunders and Wilson; and Appropriations Subcommittee on Transportation and Economic Development: Senator Webster, Chair; Senators Diaz de la Portilla, Garcia, Klein, Posey, Sebesta and Siplin.

The action of the Senate was certified to the House.

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#### RETURNING MESSAGES—FINAL ACTION

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 155, as amended.

*John B. Phelps, Clerk*

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 2 was corrected and approved.

#### CO-SPONSORS

Senators Diaz de la Portilla—SB 2410; Lynn—CS for SB 1360, SB 2574 and Wilson—CS for SB 1358, CS for SB 2184, CS for SB 2894

Senator Lynn withdrew as a co-sponsor of CS for SB 1360.

#### RECESS

Pursuant to the motion by Senator Lee previously adopted, upon the dissolution of the Senate Reunion at 5:48 p.m., the Senate recessed for the purpose of holding committee meetings and conducting other Senate

business to reconvene at 1:00 p.m., Thursday, April 15 or upon call of the President.

### SENATE PAGES

April 12-16, 2004

Nicole Lyn Alexander, Tampa; Jody "Zach" Barnes, Wewahitchka; Justin Barnes, Wewahitchka; J. Robert Bell III, North Palm Beach;

Chelsea Bradley, Niceville; Erin Brantley, Allen Park, Michigan; Arica L. Carswell, Lauderdale Lakes; Kathryn "Katy" Cashin, Tallahassee; Jennifer "Jenny" Cento, Miami; Heather Daffin, Cottondale; Ashley Dignam, Englewood; Kelly Hancock, Fort Lauderdale; Justin Harrell, Tallahassee; Brent Lang, Tallahassee; Kristen Orkis, Deltona; Khadija Passmore, Tampa; Rashada Passmore, Tampa; J. Michel Plumley, Land O'Lakes; John "Sam" Ryon, Tallahassee; Hillary Smith, O'Brien; Sara "Whitney" Smith, Tallahassee; Sean M. Swartz, Fort Lauderdale; Cory Marshall Weiss, New Smyrna Beach