



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President King at 2:38 p.m. in lieu of 1:00 p.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. Davette Turk, Director of Reconciliation at Fresh Ministries, Jacksonville:

It is an honor to be with you today. Senate President Jim King is a member of our Parish in Jacksonville. My husband, The Rev. Dr. Richard Turk, had the privilege of offering the prayer for the opening of the Senate on March 2—invasion of the Turks. Thank you, Senator King, for sharing your beautiful wife with us. Linda King has been a wonderful asset to the faith-based programs at Fresh Ministries for Jacksonville.

In these difficult days for our nation, it is good to remember that:

“The Light of God surrounds you,
The Love of God enfolds you,
The Presence of God watches over you,
The Power of God protects you,
Wherever you are, God is.”

Let us pray . . .

“Bless the Lord, O my soul
And all that is within me
I bless your Holy Name!
Bless the Lord, O my soul.
And remember the goodness of Love,

You forgive our iniquities,
You heal our disease,
You save us from the snares of fear,
You crown us with steadfast love and mercy,
You satisfy our every need,
And renew our spirit like the eagle’s.
Through you comes Peace and Justice
For all who are oppressed.
You make known the pathway of truth
And guide us on the Way.
You are merciful and gracious,
Slow to anger and abounding in steadfast Love.
You love us more than we can ask or imagine;
In truth we belong to you.” Amen.

PLEDGE

Senate Pages J. Robert Bell III of North Palm Beach; Erin Brantley of Allen Park, Michigan; Khadija Passmore and Rashada Passmore of Tampa, 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. Timothy C. Flynn of Gainesville, sponsored by Senator Smith, as doctor of the day. Dr. Flynn specializes in Vascular Surgery/Trauma.

ADOPTION OF RESOLUTIONS

On motion by Senator Smith—

By Senators Smith, Argenziano, Dockery, Cowin, Atwater, Campbell, Aronberg, Wasserman Schultz, Lynn, Alexander, Haridopolis, Pruitt and Constantine—

SR 3104—A resolution to honor the University of Florida.

WHEREAS, the University of Florida, the leading institution of higher learning of the state of Florida and the state’s only university honored by membership in the prestigious Association of American Universities, has recently completed its sesquicentennial celebration and now, led by its new president, Dr. J. Bernard Machen, looks forward to even greater achievements in teaching, research, and service for generations to come, and

WHEREAS, through its continuing commitment to excellence, the university attracts the best students in the state and country, ranking first among all public universities in the number of National Achievement Scholars enrolled in 2003 for the second year in a row, ranking second for National Merit Scholar enrollees for the second year in a row, and ranking first among all universities in enrolling International Baccalaureate students, and

WHEREAS, the university is home to the finest faculty and staff to be found on any campus in Florida, where a record \$458 million in research and training grants were awarded in the 2002-2003 academic year, and where its overall accomplishments and quality of education earned the University of Florida a Top-5 ranking by Kiplinger Magazine in 2003, and

WHEREAS, the university, one of the top five largest in the United States, also is one of the most diverse in the number of academic programs at both the undergraduate and graduate levels, thus providing

the state a center of education significant in size and scope to offer the full range of professional skills necessary for a 21st-century society, and

WHEREAS, its service to its state is unrivaled, with its student enrollment representing all 67 Florida counties, with the Institute of Food and Agricultural Sciences providing extension services to each Florida county, with the university's health-related clinics and research institutions serving Floridians each day, and with faculty, staff, and student donations and charitable services to their local community reaching \$2 million in the last full academic year, and

WHEREAS, its student-athletic program, which has been a Top-Ten program nationally for the past 20 years, was, once again in 2002-2003, the top-ranked varsity program for both men and women, continually produces exceptional student athletes, placing a record 193 student athletes on the Southeastern Conference Academic Honor Roll, and has led the conference with 1,621 Academic Honor Roll recipients since 1980, and

WHEREAS, many graduates of the University of Florida have left an immensely positive, indelible mark on our society through their commitment to others, such as Heisman Trophy and Draddy Award winner and honors graduate Danny Wuerffel, whose efforts on behalf of his local communities off the playing field are as exceptional as they were on, especially his work with underprivileged youth, NOW, THEREFORE,

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

That the Florida Senate celebrates April 15, 2004, as "University of Florida Day" in Tallahassee, in honor of the University of Florida's singular contribution to this state, the nation, and throughout the world.

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

—was introduced out of order and read by title. On motion by Senator Smith, **SR 3104** was read the second time in full and adopted.

On motion by Senator Dockery—

By Senators Dockery, Lee and Alexander—

SR 2100—A resolution honoring Ms. Hazel Haley.

WHEREAS, Ms. Hazel Haley, Florida's longest-serving active teacher, has spent nearly 63 of her 65 remarkable years as an educator teaching English at Lakeland High School, and

WHEREAS, Ms. Haley, 86, earned a Bachelor of Arts degree in English from Florida Southern College and, after teaching briefly at Oviedo and Moore Haven High Schools, returned to her alma mater in Lakeland from which she had graduated in 1933, and

WHEREAS, indicative of the esteem in which she is held as one of the state's truly outstanding teachers, Ms. Haley is an inductee into the Polk County Schools' Hall of Fame and a recipient of the Hollis Award for Community Service; there are scholarships in her honor at both Florida Southern College and Polk Community College; and a building on the Lakeland Senior High School campus proudly bears her name, and

WHEREAS, in addition to her being dearly cherished by the citizens of Polk County as their very own unique treasure, Ms. Haley has gained renown far beyond the borders of her local community and of her state, as evidenced by a recent two-day classroom visit and interview by a reporter from the Times of London in preparation for a feature story to appear in the paper's weekly educational supplement on May 23, NOW, THEREFORE,

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

That the Senate is truly honored to recognize and extend its sincere gratitude to Ms. Hazel Haley, whose influence as a truly committed teacher has touched thousands of lives in ways and numbers that cannot be reckoned.

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

—was introduced out of order and read by title. On motion by Senator Dockery, **SR 2100** was read the second time in full and adopted.

At the request of Senator Fasano—

By Senator Fasano—

SR 3094—A resolution recognizing March 2004 as Colon Cancer Awareness Month.

WHEREAS, colon cancer is one of the most prevalent yet, in most cases, preventable cancers, and

WHEREAS, among cancer cases in this state, colon cancer is the second most common cause of cancer death among men and women, and

WHEREAS, it is possible to have colon or rectal cancer yet not have any cancer symptoms, and

WHEREAS, the Florida Division of the American Cancer Society estimates that 9,950 new cases of colon cancer will be diagnosed among Floridians during the year 2004, and

WHEREAS, the Florida Division of the American Cancer Society estimates that during the year 2004, the number of cancer deaths due to colon cancer among Floridians will be 3,840, and

WHEREAS, complying with the American Cancer Society colon cancer screening guidelines can lower the number of cases by detecting and removing polyps that could become cancerous, and

WHEREAS, colon cancer screenings may also prevent deaths from the disease by finding the cancer early, when it is highly curable, and

WHEREAS, when diagnosed with early, localized disease, 90 percent of people with colon cancer survive, NOW, THEREFORE,

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

That the month of March 2004 is recognized as Colon Cancer Awareness Month in Florida and that all men and women in this state are encouraged to understand the risks associated with colon cancer, to take preventive steps to minimize those risks, and to undergo early detection procedures such as colonoscopy in compliance with the American Cancer Society's recommended colon cancer screening guidelines.

—**SR 3094** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 3098—A resolution recognizing Dr. Oswald Bronson upon his retirement as President of Bethune-Cookman College in Daytona Beach.

WHEREAS, Dr. Oswald P. Bronson, Sr., earned his Bachelor's degree from Bethune-Cookman College in Daytona Beach, Florida; his Bachelor of Divinity degree from Gammon Theological Seminary; and his Ph.D from Northwestern University in Chicago, and

WHEREAS, Dr. Bronson served as Pastor at a local United Methodist Church in Chicago, taught at Interdenominational Theological Center for 4 years and served as its President for 7 years, and has provided dedicated leadership to the Florida and Georgia Conferences of the United Methodist Church for 16 years, and

WHEREAS, Dr. Bronson assumed the presidency of Bethune-Cookman College in 1975, becoming its fourth president, and has served in that position for 29 years, and

WHEREAS, Dr. Bronson has led Bethune-Cookman College in doubling its enrollment, currently at 2,700, and the college's endowment has grown from \$1.2 million to \$25 million under his leadership, and

WHEREAS, his leadership has also fostered various building projects, such as the Mary McLeod Bethune Performing Arts Center and the new wing of the Robinson Music Building, and

WHEREAS, following God's wisdom and working diligently, Dr. Bronson has also guided Bethune-Cookman to becoming entirely accredited until the year 2010, and

WHEREAS, throughout his Presidency at Bethune-Cookman College, Dr. Bronson has struggled energetically and successfully with the financial and other obstacles that small Historically Black Colleges and Universities have faced, and

WHEREAS, Dr. Bronson's skillful leadership has been widely recognized and has led to his recent appointment to the Board of Directors of the National Association of Independent Colleges and Universities, where his knowledge and experience will be of great use to many other educational institutions, and

WHEREAS, while Dr. Bronson will remain actively involved in many organizations related to higher education, he has decided to take a well-earned retirement from the presidency of Bethune-Cookman College, NOW, THEREFORE,

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

That Dr. Oswald P. Bronson, Sr., is recognized for his outstanding career accomplishments on behalf of higher education and for his exemplary leadership and success as President of Bethune-Cookman College for nearly three decades.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Oswald P. Bronson, Sr., as an expression of the esteem of the Florida Senate.

—**SR 3098** 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 3036, CS for SB 338, CS for CS for SB 562, CS for CS for CS for SB 1104, CS for CS for SB 1712, CS for CS for SB 2270, CS for CS for SB 2822, CS for CS for CS for CS for SB 1372, CS for CS for CS for SB 1698, CS for CS for CS for SB 1706, CS for CS for CS for SB 1748, CS for CS for SB 2216, CS for CS for CS for SB 1214, CS for CS for CS for SB 1622, CS for CS for SB 2020, CS for CS for SB 2042 and CS for CS for SB 2340** were withdrawn from the Committee on Appropriations.

On motion by Senator Lee, by two-thirds vote, the Executive Appointment of Guy Tunnell was withdrawn from the Committees on Criminal Justice; and Ethics and Elections and rereferred to the Committees on Ethics and Elections; and Criminal Justice.

On motion by Senator Lee, by two-thirds vote **CS for SB 2722** was withdrawn from the Committees on Regulated Industries; and Appropriations Subcommittee on General Government; **CS for CS for SB 44, CS for SB 704, CS for CS for SB 2428 and SR 3092** were withdrawn from the Committee on Rules and Calendar; **CS for SB 138** was withdrawn from the Committees on Appropriations Subcommittee on Criminal Justice; and Appropriations; **SB 216** was withdrawn from the Committee on Comprehensive Planning; **CS for SB 218** was withdrawn from the Committee on Appropriations; **SB 412 and CS for SB 2184** were withdrawn from the Committee on Appropriations Subcommittee on Education; **CS for CS for SB 684 and CS for SB 1422** were withdrawn from the Committee on Criminal Justice; **CS for SB 1870** was withdrawn from the Committee on Governmental Oversight and Productivity; **SB 2166** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 2284** was withdrawn from the Committee on Judiciary; **CS for CS for SB 2288, CS for SB 2696 and CS for SB 2736** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for CS for SB 2676 and CS for SB 2994** were withdrawn from the Committee on Appropriations Subcommittee on General Government; and **SB 2924** was withdrawn from the Committee on Children and Families.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

I am directed to inform the Senate that the House of Representatives has returned as requested HB 329.

John B. Phelps, Clerk

HB 329—A bill to be entitled An act relating to health care; amending s. 408.036, F.S.; revising an exemption from certificate-of-need requirements for certain open-heart-surgery programs to apply the exemption to any hospital located within a specified health service planning district or a specified acute care subdistrict; providing criteria for qualifying for the exemption; requiring the Agency for Health Care Administration to report to the Legislature regarding the number of such exemptions requested and the number granted or denied each year; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Pruitt, the Senate reconsidered the vote by which—

HB 329—A bill to be entitled An act relating to health care; amending s. 408.036, F.S.; revising an exemption from certificate-of-need requirements for certain open-heart-surgery programs to apply the exemption to any hospital located within a specified health service planning district or a specified acute care subdistrict; providing criteria for qualifying for the exemption; requiring the Agency for Health Care Administration to report to the Legislature regarding the number of such exemptions requested and the number granted or denied each year; providing an effective date.

—as amended passed April 1.

On motion by Senator Pruitt, the Senate reconsidered the vote by which **Amendment 1 (711012)** as amended was adopted.

Senator Pruitt moved the following amendment to **Engrossed Senate Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (864730)—On page 35, line 6, after "that" insert: *for the most recent 12-month period as reported to the agency*

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

On motion by Senator Pruitt, **HB 329** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lynn

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

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1250, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to ap-

point a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 1250—A bill to be entitled An act relating to employee benefits; amending s. 110.12315, F.S., relating to the state employees' prescription drug program; deleting obsolete provisions; removing an expiration date applicable to copayment amounts; amending s. 110.1239, F.S.; removing an expiration date applicable to provisions governing procedures for determining the level of premiums necessary to fund the state group health insurance program; amending s. 624.437, F.S.; clarifying that a provision requiring certain insurers to obtain a certificate of authority does not apply to the state group health insurance program; providing for certain personnel moving from county government to a position in the state courts system, an office of the state attorney, or an office of the public defender, and their covered dependents, to qualify for the state group health insurance program; authorizing state attorneys and public defenders to transfer a specified amount of unused annual leave and unused sick leave; providing an effective date.

House Amendment 1 (910169)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Subsection (7) of section 110.12315, Florida Statutes, is reenacted to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Under the state employees' prescription drug program copayments must be made as follows:

(a) Effective January 1, 2001, through December 31, 2003:

1. For generic drug with card....\$7.
2. For preferred brand name drug with card....\$20.
3. For nonpreferred brand name drug with card....\$35.
4. For generic mail order drug....\$10.50.
5. For preferred brand name mail order drug....\$30.
6. For nonpreferred brand name drug....\$52.50.

(b) Effective January 1, 2004:

1. For generic drug with card....\$10.
2. For preferred brand name drug with card....\$25.
3. For nonpreferred brand name drug with card....\$40.
4. For generic mail order drug....\$20.
5. For preferred brand name mail order drug....\$50.
6. For nonpreferred brand name drug....\$80.

(c) The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program.

This subsection expires July 1, 2004.

Section 2. Section 110.1239, Florida Statutes, is reenacted to read:

110.1239 State group health insurance program funding.—For the 2003-2004 fiscal year only, it is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits

offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each Self-Insurance Estimating Conference as provided in s. 216.136(11), but not later than December 1 and April 1 of each fiscal year.

(2) The Governor, in the Governor's recommended budget, shall provide premium rates necessary for full funding of the state group health insurance program, and the Legislature shall provide in the General Appropriations Act for a premium level necessary for full funding of the state group health insurance program.

(3) For purposes of funding, any additional appropriation amounts allocated to the state group health insurance program by the Legislature shall be considered as a state contribution and thus an increase in the state premiums.

(4) This section expires July 1, 2004.

Section 3. Subsection (3) of section 624.437, Florida Statutes, is reenacted to read:

624.437 "Multiple-employer welfare arrangement" defined; certificate of authority required; penalty.—

(3) This section does not apply to a multiple-employer welfare arrangement which offers or provides benefits which are fully insured by an authorized insurer or to an arrangement which is exempt from state insurance regulation in accordance with Pub. L. No. 93-406, the Employee Retirement Income Security Act.

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

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to employee benefits; reenacting s. 110.12315(7), F.S., relating to the state employees' prescription drug program; reenacting s. 110.1239, F.S., relating to state group health insurance program funding; reenacting s. 624.437(3), F.S., relating to multiple-employer welfare arrangement; providing an effective date.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1258, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 1258—A bill to be entitled An act relating to workforce development education programs; amending s. 1011.80, F.S.; redesignating adult technical education programs as workforce development education programs; providing requirements for funding; amending s. 1011.83, F.S.; conforming a cross-reference; providing an effective date.

House Amendment 1 (057529)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Section 1011.80, Florida Statutes, is reenacted to read:

1011.80 Funds for operation of adult technical education programs.—

(1) As used in this section, the terms "workforce development education" and "workforce development program" include:

(a) Adult general education programs designed to improve the employability skills of the state's workforce as defined in s. 1004.02(5).

(b) Career and technical certificate programs, as defined in s. 1004.02(23).

(c) Applied technology diploma programs.

(d) Continuing workforce education courses.

(e) Degree technical education programs.

(f) Apprenticeship and preapprenticeship programs as defined in s. 446.021.

(2) Any workforce development education program may be conducted by a community college or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a community college. However, if an associate in applied science or an associate in science degree program contains within it an occupational completion point that confers a certificate or an applied technology diploma, that portion of the program may be conducted by a school district technical center. Any instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the State Board of Education pursuant to s. 1007.25.

(3) If a program for disabled adults pursuant to s. 1004.93 is a workforce development program as defined in law, it must be funded as provided in this section.

(4) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a program of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and standard program length.

(b)1. The performance output measure for career and technical education programs of study is student completion of a career and technical program of study that leads to an occupational completion point associated with a certificate; an apprenticeship program; or a program that leads to an applied technology diploma or an associate in applied science or associate in science degree. Performance output measures for registered apprenticeship programs shall be based on program lengths that coincide with lengths established pursuant to the requirements of chapter 446.

2. The performance output measure for an adult general education course of study is measurable improvement in student skills. This measure shall include improvement in literacy skills, grade level improvement as measured by an approved test, or attainment of a State of Florida diploma or an adult high school diploma.

(c) The performance outcome measures for programs funded through the Workforce Development Education Fund are associated with placement and retention of students after reaching a completion point or completing a program of study. These measures include placement or retention in employment that is related to the program of study; placement into or retention in employment in an occupation on the Workforce Estimating Conference list of high-wage, high-skill occupations with sufficient openings, or other High Wage/High Skill Program occupations as determined by Workforce Florida, Inc.; and placement and retention of participants or former participants in the welfare transition program in employment. Continuing postsecondary education at a level that will further enhance employment is a performance outcome for adult general education programs. Placement and retention must be reported pursuant to ss. 1008.39 and 1008.43.

(5) State funding and student fees for workforce development instruction funded through the Workforce Development Education Fund shall be established as follows:

(a) For a continuing workforce education course, state funding shall equal 50 percent of the cost of instruction, with student fees, business support, quick-response training funds, or other means making up the remaining 50 percent.

(b) For all other workforce development education funded through the Workforce Development Education Fund, state funding shall equal 75 percent of the average cost of instruction with the remaining 25 percent made up from student fees. Fees for courses within a program shall not vary according to the cost of the individual program, but instead shall be based on a uniform fee calculated and set at the state level, as adopted by the State Board of Education, unless otherwise specified in the General Appropriations Act.

(c) For fee-exempt students pursuant to s. 1009.25, unless otherwise provided for in law, state funding shall equal 100 percent of the average cost of instruction.

(6)(a) A school district or a community college that provides workforce development education funded through the Workforce Development Education Fund shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act, pursuant to the following conditions:

1. Base funding shall not exceed 85 percent of the current fiscal year total Workforce Development Education Fund allocation, which shall be distributed by the Legislature in the General Appropriations Act based on a maximum of 85 percent of the institution's prior year total allocation from base and performance funds.

2. Performance funding shall be at least 15 percent of the current fiscal year total Workforce Development Education Fund allocation, which shall be distributed by the Legislature in the General Appropriations Act based on the previous fiscal year's achievement of output and outcomes in accordance with formulas adopted pursuant to subsection (9). Performance funding must incorporate payments for at least three levels of placements that reflect wages and workforce demand. Payments for completions must not exceed 60 percent of the payments for placement. School districts and community colleges shall be awarded funds pursuant to this paragraph based on performance output data and performance outcome data available in that year.

3. If a local educational agency achieves a level of performance sufficient to generate a full allocation as authorized by the workforce development funding formula, the agency may earn performance incentive funds as appropriated for that purpose in a General Appropriations Act. If performance incentive funds are funded and awarded, these funds must be added to the local educational agency's prior year total allocation from the Workforce Development Education Fund and shall be used to calculate the following year's base funding.

(b) A program is established to assist school districts and community colleges in responding to the needs of new and expanding businesses and thereby strengthening the state's workforce and economy. The program may be funded in the General Appropriations Act. A school district or community college may expend funds under the program without regard to performance criteria set forth in subparagraph (a)2. The district or community college shall use the program to provide customized training for businesses which satisfies the requirements of s. 288.047. Business firms whose employees receive the customized training must provide 50 percent of the cost of the training. Balances remaining in the program at the end of the fiscal year shall not revert to the general fund, but shall be carried over for 1 additional year and used for the purpose of serving incumbent worker training needs of area businesses with fewer than 100 employees. Priority shall be given to businesses that must increase or upgrade their use of technology to remain competitive.

(7) A school district or community college that earns performance funding must use the money to benefit the postsecondary adult and technical education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce development program improvement. The district school board or community college board of trustees may not withhold any portion of the performance funding for indirect costs. Notwithstanding s. 216.351, funds awarded pursuant to this section may be carried across fiscal years and shall not revert to any other fund maintained by the district school board or community college board of trustees.

(8) The State Board of Education and Workforce Florida, Inc., shall provide the Legislature with recommended formulas, criteria, time-frames, and mechanisms for distributing performance funds. The commissioner shall consolidate the recommendations and develop a consensus proposal for funding. The Legislature shall adopt a formula and distribute the performance funds to the State Board of Education for community colleges and school districts through the General Appropriations Act. These recommendations shall be based on formulas that would discourage low-performing or low-demand programs and encourage through performance-funding awards:

(a) Programs that prepare people to enter high-wage occupations identified by the Workforce Estimating Conference created by s. 216.136 and other programs as approved by Workforce Florida, Inc. At a minimum, performance incentives shall be calculated for adults who reach completion points or complete programs that lead to specified high-wage employment and to their placement in that employment.

(b) Programs that successfully prepare adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated at an enhanced value for the completion of adults identified in this paragraph and job placement of such adults upon completion. In addition, adjustments may be made in payments for job placements for areas of high unemployment.

(c) Programs that are specifically designed to be consistent with the workforce needs of private enterprise and regional economic development strategies, as defined in guidelines set by Workforce Florida, Inc. Workforce Florida, Inc., shall develop guidelines to identify such needs and strategies based on localized research of private employers and economic development practitioners.

(d) Programs identified by Workforce Florida, Inc., as increasing the effectiveness and cost efficiency of education.

(9) A high school student dually enrolled under s. 1007.271 in a workforce development program funded through the Workforce Development Education Fund and operated by a community college or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated through the Workforce Development Education Fund and the school district earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a technical center operated by the same district as the district in which the student attends high school, that district earns the funds generated through the Workforce Development Education Fund and also earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce development program provided by a technical center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce development program unless the student has completed the basic skills assessment pursuant to s. 1004.91.

(10) The State Board of Education may adopt rules to administer this section.

Section 2. Section 1011.83, Florida Statutes, is reenacted to read:

1011.83 Financial support of community colleges.—Each community college that has been approved by the Department of Education and meets the requirements of law and rules of the State Board of Education shall participate in the Community College Program Fund. However, funds to support workforce development programs conducted by community colleges shall be provided by the Workforce Development Education Fund pursuant to s. 1011.80.

Section 3. This act shall take effect July 1, 2004.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to workforce development education programs; reenacting s. 1011.80, F.S., relating to funds for operation of adult technical education programs; reenacting s. 1011.83, F.S., relating to financial support of community colleges; providing an effective date.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1270, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 1270—A bill to be entitled An act relating to the Pari-mutuel Wagering Trust Fund; amending s. 550.135, F.S.; revising the amount of unappropriated trust fund moneys required to be transferred to the credit of the General Revenue Fund; providing an effective date.

House Amendment 1 (794545)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 550.135, Florida Statutes, is reenacted to read:

550.135 Division of moneys derived under this law.—All moneys that are deposited with the Chief Financial Officer to the credit of the Pari-mutuel Wagering Trust Fund shall be distributed as follows:

(2) All unappropriated funds in excess of \$3.5 million in the Pari-mutuel Wagering Trust Fund shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

Section 2. This act shall take effect July 1, 2004.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the Pari-mutuel Wagering Trust Fund; reenacting s. 550.135(2), F.S., relating to division of moneys derived under this law; providing an effective date.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1278, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 1278—A bill to be entitled An act relating to the Biomedical Research Trust Fund in the Department of Health; amending s. 17.41, F.S.; requiring the Department of Financial Services to disburse certain funds from the Tobacco Settlement Clearing Trust Fund to the Biomedical Research Trust Fund; amending s. 20.435, F.S.; authorizing the Department of Health to provide for the investment of funds in the Biomedical Research Trust Fund; authorizing the Governor to certify undisbursed funds for a specified period following appropriation; amending s. 215.5601, F.S.; providing requirements for the management of

unencumbered balances in the trust fund, to conform; providing an effective date.

House Amendment 1 (785693)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Subsection (5) of section 17.41, Florida Statutes, is reenacted to read:

17.41 Department of Financial Services Tobacco Settlement Clearing Trust Fund.—

(5) The department shall disburse funds, by nonoperating transfer, from the Tobacco Settlement Clearing Trust Fund to the tobacco settlement trust funds of the various agencies in amounts equal to the annual appropriations made from those agencies' trust funds in the General Appropriations Act.

Section 2. Paragraph (h) of subsection (1) of section 20.435, Florida Statutes, as amended by section 2 of chapter 2003-421, Laws of Florida, is reenacted to read:

20.435 Department of Health; trust funds.—

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(h) Biomedical Research Trust Fund.

1. Funds to be credited to the trust fund shall consist of funds deposited pursuant to s. 215.5601. Funds shall be used for the purposes of the James and Esther King Biomedical Research Program as specified in ss. 215.5602 and 288.955. The trust fund is exempt from the service charges imposed by s. 215.20.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2008.

Section 3. Paragraph (e) of subsection (5) of section 215.5601, Florida Statutes, is reenacted to read:

215.5601 Lawton Chiles Endowment Fund.—

(5) AVAILABILITY OF FUNDS; USES.—

(e) Notwithstanding s. 216.301 and pursuant to s. 216.351, all unencumbered balances of appropriations as of June 30 or undisbursed balances as of December 31 shall revert to the endowment's principal. Unencumbered or undisbursed balances appropriated for biomedical research shall revert to the principal in the separately reserved and accounted-for portion of the endowment established for biomedical research activities.

Section 4. This act shall take effect July 1, 2004.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the Biomedical Research Trust Fund in the Department of Health; reenacting s. 17.41(5), F.S., relating to Department of Financial Services Tobacco Settlement Clearing Trust Fund; reenacting s. 20.435(1)(h), F.S., relating to Department of Health, trust funds; reenacting s. 215.5601(5)(e), F.S., relating to Lawton Chiles Endowment Fund; providing an effective date.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2230, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 2230—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2004, and July 1, 2005; amending s. 121.40, F.S.; revising the payroll contribution rates for the Institute of Food and Agricultural Sciences effective through June 30, 2005; amending s. 121.74, F.S.; reducing the fee imposed for the cost of administration; providing a declaration of important state interest; providing an effective date.

House Amendment 1 (156777)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Section 121.71, Florida Statutes, is reenacted to read:

121.71 Uniform rates; process; calculations; levy.—

(1) In conducting the system actuarial study required under s. 121.031, the actuary shall follow all requirements specified thereunder to determine, by Florida Retirement System employee membership class, the dollar contribution amounts necessary for the forthcoming fiscal year for the defined benefit program. In addition, the actuary shall determine, by Florida Retirement System membership class, based on an estimate for the forthcoming fiscal year of the gross compensation of employees participating in the optional retirement program, the dollar contribution amounts necessary to make the allocations required under ss. 121.72 and 121.73. For each employee membership class and subclass, the actuarial study shall establish a uniform rate necessary to fund the benefit obligations under both Florida Retirement System retirement plans, by dividing the sum of total dollars required by the estimated gross compensation of members in both plans.

(2) Based on the uniform rates set forth in subsection (3), employers shall make monthly contributions to the Division of Retirement, which shall initially deposit the funds into the Florida Retirement System Contributions Clearing Trust Fund. A change in a contribution rate is effective the first day of the month for which a full month's employer contribution may be made on or after the beginning date of the change.

(3) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2003	Percentage of Gross Compensation, Effective July 1, 2004
Regular Class	6.18%	10.07%
Special Risk Class	17.32%	22.15%
Special Risk Administrative Support Class	8.71%	12.58%
Elected Officers' Class Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	11.28%	15.48%
Elected Officers' Class Justices, Judges	17.44%	20.70%
Elected Officers' Class County Elected Officers	14.02%	17.81%
Senior Management Class	8.16%	11.59%

Membership Class	Percentage of Gross Compensation, Effective July 1, 2003	Percentage of Gross Compensation, Effective July 1, 2004
DROP	8.00%	11.56%

(4) The state actuary shall recognize and use an appropriate level of available excess assets of the Florida Retirement System Trust Fund to offset the difference between the normal costs of the Florida Retirement System and the statutorily prescribed contribution rates.

Section 2. Subsection (12) of section 121.40, Florida Statutes, is reenacted to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(12) CONTRIBUTIONS.—

(a) For the purposes of funding the supplemental benefits provided by this section, the institute is authorized and required to pay, commencing July 1, 1985, the necessary monthly contributions from its appropriated budget. These amounts shall be paid into the Institute of Food and Agricultural Sciences Supplemental Retirement Trust Fund, which is hereby created.

(b) The monthly contributions required to be paid pursuant to paragraph(a) on the gross monthly salaries, from all sources with respect to such employment, paid to those employees of the institute who hold both state and federal appointments and who participate in the federal Civil Service Retirement System shall be as follows:

Dates of Contribution Rate Changes	Percentage Due
July 1, 1985, through December 31, 1988	6.68%
January 1, 1989, through December 31, 1993	6.35%
January 1, 1994, through December 31, 1994	6.69%
January 1, 1995, through June 30, 1996	6.82%
July 1, 1996, through June 30, 1998	5.64%
July 1, 1998, through June 30, 2001	7.17%
July 1, 2001, through June 30, 2003	6.96%
Effective July 1, 2003	13.83%

Section 3. Section 121.74, Florida Statutes, is reenacted to read:

121.74 Administrative and educational expenses.—Effective July 1, 2003, in addition to contributions required under s. 121.71, employers participating in the Florida Retirement System shall contribute an amount equal to 0.10 percent of the payroll reported for each class or subclass of Florida Retirement System membership, which amount shall be transferred by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the State Board of Administration's Administrative Trust Fund to offset the costs of administering the optional retirement program and the costs of providing educational services to participants in the defined benefit program and the optional retirement program. Approval of the Trustees of the State Board of Administration is required prior to the expenditure of these funds. Payments for third-party administrative or educational expenses shall be made only pursuant to the terms of the approved contracts for such services.

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

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to retirement; reenacting s. 121.71, F.S., relating to uniform rates, process, calculations, and levy; reenacting s. 121.40(12), F.S., relating to cooperative extension personnel at the Institute of Food and Agricultural Sciences, supplemental retirement benefits; reenacting s. 121.74, F.S., relating to administrative and educational expenses; providing an effective date.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed SB 2510, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

SB 2510—A bill to be entitled An act relating to the investment of state trust funds; amending s. 17.61, F.S.; limiting the authority of state agencies to authorize the Chief Financial Officer to invest moneys in trust funds with interest earnings accruing to such funds; providing for interest earnings to be deposited into the General Revenue Fund; repealing ss. 211.31(3) and 633.445(3), F.S., and amending ss. 445.0325, 1011.94, and 1013.79, F.S., relating to the investment of moneys in various state trust funds and the use of accrued interest earnings; conforming provisions to changes made by the act; providing an effective date.

House Amendment 1 (639097)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 17.61, Florida Statutes, is reenacted to read:

17.61 Chief Financial Officer; powers and duties in the investment of certain funds.—

(3)(a) Except as otherwise provided in this subsection, it is the duty of each state agency, and of the judicial branch, now or hereafter charged with the administration of the funds referred to in subsection (1) to make such moneys available for investment as fully as is consistent with the cash requirements of the particular fund and to authorize investment of such moneys by the Chief Financial Officer.

(b) Monthly, and more often as circumstances require, such agency or judicial branch shall notify the Chief Financial Officer of the amount available for investment; and the moneys shall be invested by the Chief Financial Officer. Such notification shall include the name and number of the fund for which the investments are to be made and the life of the investment if the principal sum is to be required for meeting obligations. This subsection, however, shall not be construed to make available for investment any funds other than those referred to in subsection (1).

(c) Except as provided in this paragraph and except for moneys described in paragraph (d), the following agencies shall not invest trust fund moneys as provided in this section, but shall retain such moneys in their respective trust funds for investment, with interest appropriated to the General Revenue Fund, pursuant to s. 17.57:

1. The Agency for Health Care Administration, except for the Tobacco Settlement Trust Fund.
2. The Department of Children and Family Services, except for:
 - a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
 - b. The Community Resources Development Trust Fund.
 - c. The Refugee Assistance Trust Fund.
 - d. The Social Services Block Grant Trust Fund.
 - e. The Tobacco Settlement Trust Fund.
 - f. The Working Capital Trust Fund.
3. The Department of Community Affairs, only for the Operating Trust Fund.
4. The Department of Corrections.
5. The Department of Elderly Affairs, except for:

- a. The Federal Grants Trust Fund.
- b. The Tobacco Settlement Trust Fund.
- 6. The Department of Health, except for:
 - a. The Federal Grants Trust Fund.
 - b. The Grants and Donations Trust Fund.
- c. The Maternal and Child Health Block Grant Trust Fund.
- d. The Tobacco Settlement Trust Fund.
- 7. The Department of Highway Safety and Motor Vehicles, only for:
 - a. The DUI Programs Coordination Trust Fund.
 - b. The Security Deposits Trust Fund.
- 8. The Department of Juvenile Justice.
- 9. The Department of Law Enforcement.
- 10. The Department of Legal Affairs.
- 11. The Department of State, only for:
 - a. The Grants and Donations Trust Fund.
 - b. The Records Management Trust Fund.
- 12. The Executive Office of the Governor, only for:
 - a. The Economic Development Transportation Trust Fund.
 - b. The Economic Development Trust Fund.
- 13. The Florida Public Service Commission, only for the Florida Public Service Regulatory Trust Fund.
- 14. The Justice Administrative Commission.
- 15. The state courts system.

(d) Moneys in any trust funds of the agencies in paragraph (c) may be invested pursuant to the provisions of this section if:

- 1. Investment of such moneys and the retention of interest is required by federal programs or mandates;
- 2. Investment of such moneys and the retention of interest is required by bond covenants, indentures, or resolutions;
- 3. Such moneys are held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; or
- 4. The Executive Office of the Governor determines, after consultation with the Legislature pursuant to the procedures of s. 216.177, that federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 2. Subsection (4) of section 445.0325, Florida Statutes, is reenacted to read:

445.0325 Welfare Transition Trust Fund.—

(4) All funds transferred to and retained in the trust fund shall be invested pursuant to s. 17.61. Any interest accruing to the trust fund shall be for the benefit of the welfare transition program. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest accruing to the trust fund not distributed at the end of the fiscal year shall remain in the trust fund and shall increase the total funds available to implement the welfare transition program.

Section 3. Subsection (1) of section 1011.94, Florida Statutes, is reenacted to read:

1011.94 Trust Fund for University Major Gifts.—

(1) There is established a Trust Fund for University Major Gifts. The purpose of the trust fund is to enable each university and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by the State Board of Education. All funds appropriated for the challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program must be deposited into the trust fund and invested pursuant to s. 17.61 until the State Board of Education allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for University Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business. The State Board of Education may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 1011.45.

Section 4. Subsection (3) of section 1013.79, Florida Statutes, is reenacted to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(3) There is established the Alec P. Courtelis Capital Facilities Matching Trust Fund for the purpose of providing matching funds from private contributions for the development of high priority instructional and research-related capital facilities, including common areas connecting such facilities, within a university. The Legislature shall appropriate funds to be transferred to the trust fund. The Public Education Capital Outlay and Debt Service Trust Fund, Capital Improvement Trust Fund, Division of Sponsored Research Trust Fund, and Contracts and Grants Trust Fund shall not be used as the source of the state match for private contributions. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 17.61. Interest income accruing to that portion of the trust fund shall increase the total funds available for the challenge grant program. Interest income accruing from the private donations shall be returned to the participating foundation upon completion of the project. The State Board of Education shall administer the trust fund and all related construction activities.

Section 5. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the investment of state trust funds; reenacting s. 17.61(3), F.S.; relating to the Chief Financial Officer, powers and duties in the investment of certain funds; reenacting ss. 445.0325(4), 1011.94(1), and 1013.79(3), F.S., relating to the Welfare Transition Trust Fund, Trust Fund for University Major Gifts, and University Facility Enhancement Challenge Grant Program; providing an effective date.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 2514, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for CS for SB 2514—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; requiring that any proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund rather than appropriated as otherwise provided by law; providing protection for bondholders and preserving the rights of holders of affordable housing guarantees; providing an effective date.

House Amendment 1 (599529)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Section 201.15, Florida Statutes, is reenacted to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed \$300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and \$300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed \$30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent fiscal year, but shall not exceed a total of \$300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b) equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term “current official forecast” means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that

fiscal year, no further payments are required under this paragraph during the fiscal year.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).

(2) Seven and fifty-six hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(c), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(c) for the same fiscal year.

(b) The remainder of the moneys distributed under this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3) One and ninety-four hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Moneys deposited in the trust fund pursuant to this section shall be used for the following purposes:

(a) Sixty percent of the moneys shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands; and

(b) Forty percent of the moneys shall be used to develop and manage lands acquired with moneys from the Land Acquisition Trust Fund.

(4) Four and two-tenths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.

(5) Four and two-tenths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Nine and one-half percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(6) Two and twenty-eight hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252.

(7) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.

(8) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other

measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. The unobligated balance of funds received from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

(9) Seven and fifty-three hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) Eight and sixty-six hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(11) From the moneys specified in paragraphs (1)(d) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and \$2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

(12) The Department of Revenue may use the payments credited to trust funds pursuant to paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and (10) to pay the costs of the collection and enforcement of the tax levied by this chapter. The percentage of such costs which may be assessed against a trust fund is a ratio, the numerator of which is payments credited to that trust fund under this section and the denominator of which is the sum of payments made under paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and (10).

(13) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), shall not be used for land acquisition, but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59. Prior to the 2005 Regular Session of the Legislature, the Acquisition and Restoration Council shall review and make recommendations to the Legislature concerning the need to repeal this provision. Based on these recommendations, the Legislature shall review the need to repeal this provision during the 2005 Regular Session.

(14) Amounts distributed pursuant to subsections (5), (6), (7) and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; reenacting s. 201.15, F.S.; relating to distribution of taxes collected; providing an effective date.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2564, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 2564—A bill to be entitled An act relating to shared county and state responsibility for juvenile detention; creating s. 985.2155, F.S.; providing that it is the policy of the state that the state and counties have a joint obligation to financially support the detention care provided for juveniles; providing definitions; requiring that a county pay the costs of the Department of Juvenile Justice in providing detention care to juveniles unless the county is a fiscally constrained county; requiring the department to develop a methodology for determining the amount to be paid by such counties; providing a payment process; requiring the Chief Financial Officer to withhold funds if a county fails to remit the required amount to the Department of Juvenile Justice; requiring the department to negotiate for payment from other states for costs incurred by juveniles who reside out of state; requiring the department to pay the detention costs for juveniles who do not have a state of residence; exempting funds received by the department in payment of the detention expenses of juveniles from certain service charges; authorizing the Department of Juvenile Justice to adopt rules; providing that the act fulfills an important state interest; providing an effective date.

House Amendment 1 (373543)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Section 985.2155, Florida Statutes, is created to read:

985.2155 State responsibility for juvenile detention services.—It is the policy of this state that the state is responsible for providing juvenile detention services.

Section 2. This act shall take effect October 1, 2004.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to state responsibility for juvenile detention services; creating s. 985.2155, F.S.; providing that it is the policy of the state to be responsible for juvenile detention services; providing an effective date.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2644, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 2644—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Environmental Protection, the Department of Financial Services, the Office of Financial Regulation, the Department of Management Services, the Department of Revenue, and the Department of Business and Professional Regulation; providing for the disposition of balances in and revenues of such trust funds; prescribing procedures for terminating such trust funds; terminating a trust fund within the Department of Environmental Protection on the date that the bonds secured by the fund mature; requiring the department to notify the Chief Financial Officer and the Legislature following such termination; requiring a report to the Legislature if the fund is not terminated by a date certain; declaring the findings of the Legislature that specified trust funds within the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Department of Management Services, the Department of Revenue, the Department of Financial Services, the State Board of Administration, and the Division of Bond Finance are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; renaming specified trust funds within the Department of Financial Services and the Office of Financial Regulation; amending s. 17.43, F.S.; renaming a trust fund within the Department of Financial Services; repealing s. 20.2553, F.S., relating to the Federal Law Enforcement Trust Fund within the Department of Environmental Protection; repealing s. 110.151(7), F.S., relating to the State Employee Child Care Revolving Trust Fund within the Department of Management Services; 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; deleting provisions requiring that a portion of such proceeds be used for enforcement purposes; amending ss. 121.011, 121.031, and 121.141, F.S.; providing for payment of certain social security contributions to the Internal Revenue Service rather than the Social Security Contribution Trust Fund; repealing s. 122.13, F.S., relating to certain payments made into a retirement trust fund, to conform; amending ss. 122.26 and 122.27, F.S., and repealing s. 122.30, F.S.; deleting references to the Social Security Contribution Trust Fund, to conform; amending s. 122.35, F.S., and repealing s. 122.351, F.S.; deleting obsolete provisions relating to payments made to the Social Security Contribution Trust Fund; amending s. 199.292, F.S.; providing for the deposit of intangible personal property taxes into the General Revenue Fund; providing an exception for certain leasehold taxes; repealing s. 213.31, F.S., relating to the Corporation Tax Administration Trust Fund; amending s. 215.20, F.S., relating to the service charge imposed on state trust funds; conforming provisions to changes made by the act; amending s. 215.32, F.S.; providing requirements for state agencies with respect to the use of various trust funds; requiring an agency to recommend the creation of a trust fund under certain circumstances; amending s. 253.03, F.S.; deleting provisions referencing the Forfeited Property Trust Fund in the Department of Environmental Protection; amending s. 287.064, F.S.; deleting provisions referencing the Consolidated Payment Trust Fund of the Chief Financial Officer; repealing s. 440.501, F.S., relating to the Workers' Compensation Administration Trust Fund within the Department of Business and Professional Regulation; amending s. 450.155, F.S., relating to the Child Labor Law Trust Fund; providing for the transfer of moneys to the Professional Regulation Trust Fund of the Department of Financial Services; creating s. 450.165, F.S.; requiring separate accounts for child labor enforcement and farm labor registration activities; amending ss. 450.30 and 450.31, F.S.; deleting provisions referencing the Crew Chief Registration Trust Fund; amending ss. 494.0017, 494.0041, and 494.0072, F.S.; deleting provisions referencing the Mortgage Brokerage Guaranty Fund; amending s. 501.2101, F.S.; designating trust funds for the deposit of moneys received by certain enforcing authorities; repealing s. 569.205, F.S., relating to the Department of Business and Professional Regulation Tobacco Settlement Trust Fund; amending ss. 650.04 and 650.05, F.S., and repealing s. 650.06, F.S., relating to payments to the Social Security Contribution Trust Fund; conforming provisions to changes made by the act; amending ss. 895.09 and 932.7055, F.S.; deleting provisions referencing the Forfeited Property Trust Fund to conform to changes made by the act; providing an effective date.

House Amendment 1 (011889)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. (1) *The following trust funds within the following departments are terminated:*

(a) *Within the Department of Environmental Protection:*

1. *The Forfeited Property Trust Fund, FLAIR number 37-2-267. The current balance remaining in, and all revenues of, the trust fund shall be transferred to the Internal Improvement Trust Fund, FLAIR number 37-2-408.*

2. *The Marine Resources Conservation Trust Fund, FLAIR number 37-2-467, which was transferred to the Fish and Wildlife Conservation Commission by chapter 2000-197, Laws of Florida.*

3. *The Federal Law Enforcement Trust Fund, FLAIR number 37-2-719. The current balance remaining in, and all revenues of, the trust fund shall be transferred to the Grants and Donations Trust Fund, FLAIR number 37-2-339.*

4. *The Save the Manatee Trust Fund, FLAIR number 37-2-611.*

(b) *Within the Department of Financial Services:*

1. *The Consolidated Payment Trust Fund, FLAIR number 43-2-140.*

2. *The Self-Insurance Assessment Trust Fund, FLAIR number 43-2-630, which was re-created by chapter 2000-72, Laws of Florida, in the Department of Labor and Employment Security; transferred by section 1 of chapter 2002-194, Laws of Florida, to the Department of Insurance; and transferred by subparagraph (3)(b)2. of section 3 of chapter 2002-404, Laws of Florida, to the Department of Financial Services.*

3. *The Working Capital Trust Fund, FLAIR number 43-2-792.*

(c) *Within the Office of Financial Regulation, the Mortgage Brokerage Guaranty Fund, FLAIR number 43-2-485. The current balance remaining in, and all revenues of, the trust fund shall be transferred to the Regulatory Trust Fund within the Office of Financial Regulation, FLAIR number 43-2-573.*

(d) *Within the Department of Management Services:*

1. *Motor Vehicle Operating Trust Fund, FLAIR number 72-2-486. The current balance remaining in, and all revenues of, the trust fund shall be transferred to the Grants and Donations Trust Fund, FLAIR number 72-2-339.*

2. *The Social Security Contribution Trust Fund, FLAIR number 72-2-638.*

3. *The State Employee Child Care Revolving Trust Fund, FLAIR number 72-2-670. The current balance remaining in, and all revenues of, the trust fund shall be transferred to the State Personnel System Trust Fund, FLAIR number 72-2-678.*

4. *The State Employees Savings Bond Trust Fund, FLAIR number 72-2-674.*

(e) *Within the Department of Revenue:*

1. *The Corporation Tax Administration Trust Fund, FLAIR number 73-2-134.*

2. *The Drug Enforcement Trust Fund, FLAIR number 73-2-171.*

3. *The Intangible Tax Trust Fund, FLAIR number 73-2-399.*

4. *Railroad and Private Car Tax Clearing Trust Fund, FLAIR number 73-2-571.*

5. *The Sales Tax Security Deposit Trust Fund, FLAIR number 73-2-607.*

6. *The Working Capital Trust Fund, FLAIR number 73-2-792.*

7. *The Municipal Financial Assistance Trust Fund, FLAIR number 73-2-493.*

(f) *Within the Department of Business and Professional Regulation:*

1. *The Child Labor Law Trust Fund, FLAIR number 79-2-106. The current balance remaining in, and all revenues of, the trust fund shall be transferred to the Professional Regulation Trust Fund, FLAIR number 79-2-547.*

2. *The Crew Chief Registration Trust Fund, FLAIR number 79-2-147. The current balance remaining in, and all revenues of, the trust fund shall be transferred to the Professional Regulation Trust Fund, FLAIR number 79-2-547.*

3. *The Tobacco Settlement Trust Fund within the Department of Business and Professional Regulation, FLAIR number 79-2-375, which was terminated on July 1, 2003, pursuant to Section 19(f), Article III of the State Constitution.*

4. *The Workers' Compensation Administration Trust Fund, FLAIR number 79-2-795. The current balance remaining in, and all revenues of, the trust fund shall be transferred to the Professional Regulation Trust Fund, FLAIR number 79-2-547.*

(g) *Within the Department of Agriculture and Consumer Services, the Working Capital Trust Fund, FLAIR number 42-2-792.*

(2) *Unless otherwise provided, all current balances remaining in, and all revenues of, the trust funds terminated by this act shall be transferred to the General Revenue Fund.*

(3) *For each trust fund terminated by this act, the agency that administers the trust fund shall pay any outstanding debts and obligations of the terminated fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.*

Section 2. *The Project Construction Trust Fund, FLAIR number 37-2-549, within the Department of Environmental Protection, is terminated upon the date of maturity of all bonds secured thereby. The department shall notify the Chief Financial Officer, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees within 30 days after such date. If the fund is not terminated prior to the 2008 regular legislative session, the department shall report the status of the fund to the chairs of the legislative appropriations committees.*

Section 3. *The Legislature finds that the following trust funds are exempt from termination pursuant to Section 19(f), Article III of the State Constitution:*

(1) *Within the Department of Environmental Protection:*

(a) *The Florida Preservation 2000 Trust Fund, FLAIR number 37-2-332.*

(b) *The Florida Forever Trust Fund, FLAIR number 37-2-348.*

(c) *The Land Acquisition Trust Fund, FLAIR number 37-2-423.*

(2) *Within the Department of Agriculture and Consumer Services, the Florida Preservation 2000 Trust Fund, FLAIR number 42-2-332.*

(3) *Within the Department of Management Services:*

(a) *The Florida Retirement System Trust Fund, FLAIR number 72-2-309.*

(b) *The Florida Facilities Pool Clearing Trust Fund, FLAIR number 72-2-313.*

(c) *The Florida Retirement System Preservation of Benefits Plan Trust Fund, FLAIR number 72-2-345.*

(d) *The Institute of Food and Agricultural Sciences Supplemental Retirement Trust Fund, FLAIR number 72-2-379.*

(e) *The Senior Management Service Optional Annuity Program Trust Fund, FLAIR number 72-2-515.*

(f) *The Optional Retirement Program Trust Fund, FLAIR number 72-2-517.*

(g) *The Police and Firefighters' Premium Tax Trust Fund, FLAIR number 72-2-532.*

(h) *The State Employees Life Insurance Trust Fund, FLAIR number 72-2-667.*

(i) *The State Employees Health Insurance Trust Fund, FLAIR number 72-2-668.*

(j) *The State Employees Disability Insurance Trust Fund, FLAIR number 72-2-671.*

(k) *The Florida Retirement System Contributions Clearing Trust Fund, FLAIR number 72-2-705.*

(l) *The Retiree Health Insurance Subsidy Trust Fund, FLAIR number 72-2-583.*

(4) *Within the Department of Revenue:*

(a) *The Additional Court Costs Clearing Trust Fund, FLAIR number 73-2-013.*

(b) *The Apalachicola Bay Oyster Surcharge Clearing Trust Fund, FLAIR number 73-2-028.*

(c) *The Child Support Clearing Trust Fund, FLAIR number 73-2-081.*

(d) *The Convention Development Tax Clearing Trust Fund, FLAIR number 73-2-132.*

(e) *The Revenue Sharing Trust Fund for Counties, FLAIR number 73-2-144.*

(f) *The Documentary Stamp Tax Clearing Trust Fund, FLAIR number 73-2-166.*

(g) *The Revenue-Fuel Tax Refund Payments Trust Fund, FLAIR number 73-2-317.*

(h) *The Fuel Tax Collection Trust Fund, FLAIR number 73-2-319.*

(i) *The Local Option Fuel Tax Trust Fund, FLAIR number 73-2-448.*

(j) *The Local Alternative Fuel User Fee Clearing Trust Fund, FLAIR number 73-2-449.*

(k) *Local Government Half-cent Sales Tax Clearing Trust Fund, FLAIR number 73-2-455.*

(l) *The Discretionary Sales Surtax Clearing Trust Fund, FLAIR number 73-2-459.*

(m) *The Local Option Tourist Development Trust Fund, FLAIR number 73-2-460.*

(n) *The Communications Services Tax Clearing Trust Fund, FLAIR number 73-2-465.*

(o) *The Motor Vehicle Warranty Trust Fund, FLAIR number 73-2-492.*

(p) *The Municipal Financial Assistance Trust Fund, FLAIR number 73-2-493.*

(q) *The Motor Vehicle Rental Surcharge Clearing Trust Fund, FLAIR number 73-2-494.*

(r) *The Revenue Sharing Trust Fund for Municipalities, FLAIR number 73-2-501.*

(s) *The Oil and Gas Tax Trust Fund, FLAIR number 73-2-508.*

(t) *The Pollutant Tax Clearing Trust Fund, FLAIR number 73-2-544.*

(u) *The Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund, FLAIR number 73-2-617.*

(v) *The State Alternative Fuel User Fee Clearing Trust Fund, FLAIR number 73-2-618.*

(w) *The Security Deposits Trust Fund, FLAIR number 73-2-625.*

(x) *The Severance Tax Solid Mineral Trust Fund, FLAIR number 73-2-636.*

(y) *The Solid Waste Management Clearing Trust Fund, FLAIR number 73-2-645.*

(z) *The Local Communications Services Tax Clearing Trust Fund, FLAIR number 73-2-662.*

(aa) *The Department of Revenue Premium Tax Clearing Trust Fund, FLAIR number 73-2-733.*

(bb) *The Ninth-cent Fuel Tax Trust Fund, FLAIR number 73-2-777.*

(5) *Within the Department of Financial Services:*

(a) *The Agents and Solicitors County Tax Trust Fund, FLAIR number 43-2-024.*

(b) *The Child Support Clearing Trust Fund, FLAIR number 43-2-081.*

(c) *The Collections Internal Revenue Clearing Trust Fund, FLAIR number 43-2-101.*

(d) *The Tobacco Settlement Clearing Trust Fund, FLAIR number 43-2-123.*

(e) *The Consolidated Miscellaneous Deductions Clearing Trust Fund, FLAIR number 43-2-139.*

(f) *The Deferred Compensation Trust Fund, FLAIR number 43-2-155.*

(g) *The Electronic Funds Transfer Clearing Trust Fund, FLAIR number 43-2-188.*

(h) *The Employee Refund Clearing Trust Fund, FLAIR number 43-2-194.*

(i) *The Federal Tax Levy Clearing Trust Fund, FLAIR number 43-2-274.*

(j) *The Florida Retirement Clearing Trust Fund, FLAIR number 43-2-323.*

(k) *The Hospital Insurance Tax Clearing Trust Fund, FLAIR number 43-2-370.*

(l) *The Prison Industries Trust Fund, FLAIR number 43-2-385.*

(m) *The State Treasurer Escrow Trust Fund, FLAIR number 43-2-622.*

(n) *The Social Security Contribution Trust Fund, FLAIR number 43-2-643.*

(o) *The Treasury Cash Deposit Trust Fund, FLAIR number 43-2-720.*

(p) *The Treasurer Investment Trust Fund, FLAIR number 43-2-728.*

(6) *Within the State Board of Administration:*

(a) *The Debt Service Trust Fund, which has no FLAIR number.*

(b) *The Florida Hurricane Catastrophe Fund, which has no FLAIR number.*

(c) *The Florida Prepaid College Trust Fund, which has no FLAIR number.*

(d) *The funds of the Inland Protection Financing Corporation, created under section 376.3075, Florida Statutes, which have no FLAIR numbers.*

(e) *The funds of the Investment Fraud Restoration Financing Corporation, created under section 517.1204, Florida Statutes, which have no FLAIR numbers.*

(f) *The Gas Tax Fund, which has no FLAIR number.*

(g) *The Lawton Chiles Endowment Fund, which has no FLAIR number.*

(h) *The Local Government Surplus Funds Trust Fund, which has no FLAIR number.*

(i) *The Public Employee Optional Retirement Program Trust Fund, which has no FLAIR number.*

(7) *Within the Division of Bond Finance, the Bonds Proceeds Trust Fund, which has no FLAIR number.*

Section 4. *The following trust funds are renamed:*

(1) *Within the Department of Financial Services:*

(a) *The Agents and Solicitors County Tax Trust Fund, FLAIR number 43-2-024, is renamed the Agents County Tax Trust Fund.*

(b) *The State Treasurer Escrow Trust Fund, FLAIR number 43-2-622, is renamed the State Treasury Escrow Trust Fund.*

(c) *The Treasurer Investment Trust Fund, FLAIR number 43-2-728, is renamed the Treasury Investment Trust Fund.*

(d) *The Treasurer's Administrative and Investment Trust Fund, FLAIR number 43-2-725 is renamed the Treasury Administrative and Investment Trust Fund.*

(2) *Within the Office of Financial Regulation, the Chief Financial Officer's Federal Equitable Sharing Trust Fund, FLAIR number 43-2-719, is renamed the Federal Equitable Sharing Trust Fund.*

Section 5. Section 17.43, Florida Statutes, is amended to read:

17.43 ~~Chief Financial Officer's~~ Federal Equitable Sharing Trust Fund.—

(1) ~~The Chief Financial Officer's~~ Federal Equitable Sharing Trust Fund is created within the Department of Financial Services. The department may deposit into the trust fund receipts and revenues received as a result of federal criminal, administrative, or civil forfeiture proceedings and receipts and revenues received from federal asset-sharing programs. The trust fund is exempt from the service charges imposed by s. 215.20.

(2) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

Section 6. *Section 20.2553, Florida Statutes, is repealed.*

Section 7. *Subsection (7) of section 110.151, Florida Statutes, is repealed.*

Section 8. Section 199.292, Florida Statutes, is amended to read:

199.292 Disposition of intangible personal property taxes.—All intangible personal property taxes collected pursuant to this chapter, except for revenues derived from the annual tax on a leasehold described in s. 199.023(1)(d), shall be deposited into the General Revenue Fund, placed in a special fund designated as the "Intangible Tax Trust Fund." ~~The fund shall be disbursed as follows:~~

(1) Revenues derived from the annual tax on a leasehold described in s. 199.023(1)(d) shall be returned to the local school board for the county in which the property subject to the leasehold is situated.

(2) ~~There is hereby appropriated annually out of the fund the amount necessary for the effective and efficient administration and enforcement by the department of the provisions of chapters 192, 193, 194, 195, 196, 197, and 198 and this chapter.~~

(3) ~~Of the remaining intangible personal property taxes collected, the balance shall be transferred to the General Revenue Fund of the state.~~

Section 9. Paragraph (e) of subsection (3) of section 121.011, Florida Statutes, is amended to read:

121.011 Florida Retirement System.—

(3) PRESERVATION OF RIGHTS.—

(e) Any member of the Florida Retirement System or any member of an existing system under this chapter on July 1, 1975, who is not retired and who is, has been, or shall be, suspended and reinstated without compensation shall receive retirement service credit for the period of time from the date of suspension to the date of reinstatement, provided:

1. The creditable service claimed for the period of suspension does not exceed 24 months;
2. The member returns to active employment and remains on the employer's payroll for at least 1 calendar month; and
3. The member pays into the Retirement System Trust Fund the total required employer contributions plus the total employee contributions, if applicable, based on the member's monthly compensation in effect for the pay period immediately preceding the period of suspension, prorated for the said period of suspension, plus interest thereon at a rate of 4 percent per annum compounded annually until July 1, 1975, and 6.5 percent interest thereafter until paid. If permitted by federal law, the member may pay to the Internal Revenue Service into the Social Security Trust Fund the total cost, if any, of providing social security coverage for the period of suspension if any social security payments have been made by the employer for the benefit of the member during such period. Should there be any conflict as to payment for social security coverage, the payment for retirement service credit shall be made and retirement service credit granted regardless of such conflict.

Section 10. Subsection (1) of section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(1) The Department of Management Services has the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon the department and to adopt rules as are necessary for the effective and efficient administration of this system. The funds to pay the expenses for administration of the system are hereby appropriated from the interest earned on investments made for the Retirement System Trust Fund and social security trust funds and the assessments allowed under chapter 650.

Section 11. Subsection (1) of section 121.141, Florida Statutes, is amended to read:

121.141 Appropriation.—

(1) There is hereby annually appropriated from the System Trust Fund or the Social Security Trust Fund a sufficient amount to make such payments as are provided in part I of this chapter.

Section 12. Section 122.13, Florida Statutes, is repealed.

Section 13. Section 122.26, Florida Statutes, is amended to read:

122.26 Funds.—There shall be paid into the State and County Officers and Employees' Retirement Trust Fund, provided in former s. 122.17, contributions by members of division B for benefits payable to members under this system, and all amounts appropriated for such purpose by the state. There is hereby created in the State Treasury a fund to be known as the Social Security Contribution Trust Fund, into which shall be deposited contributions required of members for social security coverage, and such amounts as may be appropriated by the state for that purpose.

Section 14. Subsection (2) of section 122.27, Florida Statutes, is amended to read:

122.27 Contributions.—From and after the date of the execution of the agreement, the officer or board paying the salary of a member of division B shall withhold the following from such salary:

(2) The percentage of such salary, which shall constitute the contribution of the member required for social security coverage as now or hereafter fixed by relevant federal statutes. The officer or board so withholding such percentage of salary shall submit deposit the same without delay to the Internal Revenue Fund as directed by the Social Security Administration in the Social Security Contribution Trust Fund.

Section 15. Section 122.30, Florida Statutes, is repealed.

Section 16. Section 122.35, Florida Statutes, is amended to read:

122.35 Funding.—

(1) Commencing July 1, 1967, for all state agencies and commencing October 1, 1967, for all other agencies with employees who are members under this chapter, former ss. 122.17 and 122.30(4) shall be of no further force and effect and each officer or board paying salaries to members and withholding contributions required of members under this chapter for purposes of providing retirement benefits and social security benefits to or on behalf of such members, shall budget, set aside and pay over to account B of the intangible tax trust fund, herein created, matching payments in the following specified amounts:

(a1) An amount equal to the amount of member contributions paid to the State and County Officers and Employees' Retirement Trust Fund as specified in ss. 122.03 and 122.27 but excluding any additional contributions required of high hazard members under s. 122.34; and

2. Commencing January 1, 1993, an additional amount equal to 3.99 percent of each installment of salary to members; and

(b) An amount equal to the amount of member social security contributions withheld, to be paid to the Internal Revenue Service Social Security Contribution Trust Fund as specified in s. 122.27.

(2) The monthly payments required by subsection (1) shall be payable within 10 days after the first day of each calendar month after July 1, 1967, for all state agencies and October 1, 1967, for all other agencies. The state funds required to be paid hereunder shall be provided and paid from the sources as set forth in subsection subsections (3) and (4).

(3) The appropriations provided each state agency each fiscal year shall include sufficient amounts to pay the matching contributions for social security and retirement as required by this section and the matching contributions for retirement required of state agencies under s. 238.11(1)(a). No state agency, whether its funds are provided by state appropriation or not, shall employ any person or maintain any person on its payroll unless it has allotted for such person sufficient funds to meet these required payments.

(4) Effective December 1, 1970, officer and employee contributions and employer matching contributions required by division A and division B of this chapter shall be paid as required in accordance with s. 121.061 and procedures established therefor.

(5) Effective January 1987, social security contributions withheld on behalf of a member of division B of this chapter and employer matching social security contributions paid on behalf of such member shall be submitted to the Internal Revenue Service as required by the Social Security Administration.

(4) Effective October 1, 1967, the proceeds of the intangible tax collections of the state remaining after the payment of administrative expenses, commissions which are applicable, and other costs incident to its collection shall be set aside into an account designated as account B of the Intangible Tax Trust Fund, which account shall also receive all of the matching payments for retirement and social security remitted by each officer or board as provided in subsection (1). The amounts received and deposited into account B of the Intangible Tax Trust Fund are appropriated and shall be used for the following purposes and paid out on the priority basis as shown below:

(a) First, from the funds accumulated in account B there shall be transferred:

1. To the Social Security Contribution Trust Fund, an amount equal to the social security contributions remitted by each officer or board to said fund as specified in s. 122.27.

2. To the State and County Officers and Employees' Retirement Fund, an amount equal to the retirement contributions withheld from the salaries of members and remitted by each officer or board to said fund as required by ss. 122.03 and 122.27, but excluding any additional contributions required of high hazard members under s. 122.34; provided, however, that during the 1967-1969 biennium the amount transferred to said account shall not exceed the total amount received in

account B from the various state and county agencies for retirement matching purposes.

(b) After the retirement and social security contributions of all members have been matched as provided in paragraph (a), the balance remaining in account B of the Intangible Tax Trust Fund shall be distributed as follows:

1. Each county shall receive each fiscal year ending June 30 an allocation in an amount equal to 55 percent of the total net intangible taxes collected and remitted to the Department of Revenue by the tax collector of the county during the prior fiscal year.

a. Commencing October 1, 1967, and every October 1 thereafter and continuing on the first day of each subsequent month through June 30 of each fiscal year each board of county commissions of the several counties of the state shall receive an allocation from account B of the Intangible Tax Trust Fund. This allocation shall not include the school boards of the several counties of the state. The amount of said monthly allocation shall be equal to the average amount required to be matched by the Intangible Tax Trust Fund for the corresponding months during the 1966-1967 fiscal year as computed by the Chief Financial Officer, or one twelfth of the Chief Financial Officer's estimate of the county's allocation, whichever is smaller, and an adjustment to reconcile the monthly allocations with the actual amount to be received pursuant to this subparagraph, shall be made not later than 60 days after the end of the fiscal year.

b. Each county, county agency and school board shall pay all matching cost for retirement and social security as required by this act and s. 238.11(1), notwithstanding the provisions of any other law.

2. The balance remaining in account B of the Intangible Tax Trust Fund after the retirement and social security contributions have been matched and the allocations to each county have been paid as provided in this act, shall be paid over to the General Revenue Fund of the state.

(c) The amounts allocated to the several counties from account B of the Intangible Tax Trust Fund shall be paid by the Department of Revenue to the respective boards of county commissioners who shall deposit same in the general fund of the county, and may expend them for any lawful county purpose. These amounts may be used to assist any county officer or agency within the county including school boards to make the matching payments for retirement and social security as required by law. Provided, however, should the income of any constitutional fee officer in any year be insufficient to make the matching payments required by this act, the boards of county commissioners shall provide such fee officer sufficient funds from the allocation received under this law to make these required payments.

(d) Should any officer or board other than a state officer or board fail to make the retirement and social security contributions required herein, the Department of Revenue shall deduct the amount owed by the officer or board from the allocation accruing to the credit of the county affected, or the Department of Revenue shall deduct the amount owed from any other funds to be distributed by him or her to the officer or board using the procedure he or she shall deem most appropriate. The amounts so deducted shall remain in or be transferred to account B of the Intangible Tax Trust Fund for further distribution in accordance with this subsection.

(e) Should any officer or board other than a state officer or board, for whom the tax collector collects taxes, fail to make the retirement and social security contributions required by this act, the tax collector, at the request of the Department of Revenue and upon receipt of a certificate from him or her showing the amount owed account B by the officer or board, shall deduct the amount so certified from any taxes collected for the officer or board and remit the amount to the Department of Revenue for deposit in account B of the Intangible Tax Trust Fund.

(f) The boards of county commissioners of each county and the Department of Revenue, acting individually or jointly, are hereby authorized to file and maintain action in the courts of this state against any county agency to require it to remit any retirement or social security matching payments due account B of the Intangible Tax Trust Fund under the provisions of this law.

Section 17. Section 122.351, Florida Statutes, is repealed.

Section 18. Section 199.292, Florida Statutes, is amended to read:

199.292 Disposition of intangible personal property taxes.—All intangible personal property taxes collected pursuant to this chapter shall be placed in *the Administrative a special fund designated as the "Intangible Tax Trust Fund of the Department of Revenue and."* The fund shall be disbursed as follows:

(1) Revenues derived from the annual tax on a leasehold described in s. 199.023(1)(d) shall be returned to the local school board for the county in which the property subject to the leasehold is situated.

(2) There is hereby appropriated annually out of the fund the amount necessary for the effective and efficient administration and enforcement by the department of the provisions of chapters 192, 193, 194, 195, 196, 197, and 198 and this chapter.

(2)(3) Of the remaining intangible personal property taxes collected, the balance shall be transferred to the General Revenue Fund of the state.

Section 19. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, as amended by section 92 of chapter 2003-402, Laws of Florida, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Ecosystem Management and Restoration Trust Fund to be used for water quality improvement and water restoration projects.

3. After the distribution under subparagraphs 1. and 2., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred pursuant to this subparagraph to the Local Government Half-cent Sales Tax Clearing Trust Fund shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 4. and distributed accordingly.

4. After the distribution under subparagraphs 1., 2., and 3., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. After the distributions under subparagraphs 1., 2., 3., and 4., 2.0440 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. After the distributions under subparagraphs 1., 2., 3., and 4., 1.3409 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund

in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 20. *Section 213.31, Florida Statutes, is repealed.*

Section 21. Paragraphs (k), (o), and (x) of subsection (4) of section 215.20, Florida Statutes, are amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the appropriations authorized by subsection (3) shall be made:

- (k) Within the Department of Financial Services:
 1. The Agents and Solicitors County Tax Trust Fund.
 2. The Insurance Regulatory Trust Fund.
 3. The Special Disability Trust Fund.

4. The Workers' Compensation Administration Trust Fund.

(o) Within the Department of Management Services:

- 1. The Administrative Trust Fund.
- 2. The Architects Incidental Trust Fund.
- 3. The Bureau of Aircraft Trust Fund.
- 4. The Florida Facilities Pool Working Capital Trust Fund.
- 5. The Grants and Donations Trust Fund.
- ~~6. The Motor Vehicle Operating Trust Fund.~~
- 6.7. The Police and Firefighters' Premium Tax Trust Fund.
- 7.8. The Public Employees Relations Commission Trust Fund.
- 8.9. The State Personnel System Trust Fund.
- 9.10. The Supervision Trust Fund.
- 10.11. The Working Capital Trust Fund.

(x) Within the Office of Financial Regulation of the Financial Services Commission:

- 1. The Administrative Trust Fund.
- 2. The Anti-Fraud Trust Fund.
- 3. The Financial Institutions' Regulatory Trust Fund.
- ~~4. The Mortgage Brokerage Guaranty Fund.~~
- 4.5. The Regulatory Trust Fund.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 22. Paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. *In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:*

- a. *Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues.*
- b. *Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.*
- c. *Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds.*
- d. *Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by*

restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

~~2. In order to maintain a minimum number of trust funds in the State Treasury, each state agency or the judicial branch may consolidate, if permitted under the terms and conditions of their receipt, the trust funds administered by it; provided, however, the agency or judicial branch employs effectively a uniform system of accounts sufficient to preserve the integrity of such trust funds; and provided, further, that consolidation of trust funds is approved by the Governor or the Chief Justice.~~

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and Working Capital Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the Board of Regents, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 23. Subsections (12), (13), (14), (15), and (16) of section 253.03, Florida Statutes, are amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

~~(12) There is hereby established within the Department of Environmental Protection the Forfeited Property Trust Fund, to be used as a nonlapsing revolving fund exclusively for the purposes of subsection (13).~~

~~(12)(13) The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized to administer, manage, control, conserve, protect, and sell all real property forfeited to the state pursuant to ss. 895.01-895.09 or acquired by the state pursuant to s. 607.0505 or s. 620.192. The board is directed to immediately determine the value of all such property and shall ascertain whether the property is in any way encumbered. If the board determines that it is in the best interest of the state to do so, funds from the Internal Improvement Forfeited Property Trust Fund may be used to satisfy any such encumbrances. If forfeited property receipts are not the Forfeited Property Trust Fund does not contain a balance sufficient to satisfy encumbrances on the property and~~

expenses permitted under this section, funds from the Land Acquisition Trust Fund may be used to satisfy any such encumbrances and expenses. All property acquired by the board pursuant to s. 607.0505, s. 620.192, or ss. 895.01-895.09 shall be sold as soon as commercially feasible unless the Attorney General recommends and the board determines that retention of the property in public ownership would effectuate one or more of the following policies of statewide significance: protection or enhancement of floodplains, marshes, estuaries, lakes, rivers, wilderness areas, wildlife areas, wildlife habitat, or other environmentally sensitive natural areas or ecosystems; or preservation of significant archaeological or historical sites identified by the Secretary of State. In such event the property shall remain in the ownership of the board, to be controlled, managed, and disposed of in accordance with this chapter, and the Internal Improvement Forfeited Property Trust Fund shall be reimbursed from the Land Acquisition Trust Fund, or other appropriate fund designated by the board, for any funds expended from the Internal Improvement Forfeited Property Trust Fund pursuant to this subsection in regard to such property. Upon the recommendation of the Attorney General, the board may reimburse the investigative agency for its investigative expenses, costs, and attorneys' fees, and may reimburse law enforcement agencies for actual expenses incurred in conducting investigations leading to the forfeiture of such property from funds deposited in the Internal Improvement Forfeited Property Trust Fund of the Department of Environmental Protection. The proceeds of the sale of property acquired under s. 607.0505, s. 620.192, or ss. 895.01-895.09 shall be distributed as follows:

(a) After satisfaction of any valid claims arising under the provisions of s. 895.09(1)(a) or (b), any moneys used to satisfy encumbrances and expended as costs of administration, appraisal, management, conservation, protection, sale, and real estate sales services and any interest earnings lost to the Land Acquisition Trust Fund as of a date certified by the Department of Environmental Protection shall be replaced first in the Land Acquisition Trust Fund, if those funds were used, and then in the Forfeited Property Trust Fund; and

(b) The remainder shall be distributed as set forth in s. 895.09.

~~(13)(14) For applications not reviewed pursuant to s. 373.427, the department must review applications for the use of state-owned submerged lands, including a purchase, lease, easement, disclaimer, or other consent to use such lands and must request submittal of all additional information necessary to process the application. Within 30 days after receipt of the additional information, the department must review the information submitted and may request only that information needed to clarify the additional information, to process the appropriate form of approval indicated by the additional information, or to answer those questions raised by, or directly related to, the additional information. An application for the authority to use state-owned submerged land must be approved, denied, or submitted to the board of trustees for approval or denial within 90 days after receipt of the original application or the last item of timely requested additional information. This time is tolled by any notice requirements of s. 253.115 or any hearing held under ss. 120.569 and 120.57. If the review of the application is not completed within the 90-day period, the department must report quarterly to the board the reasons for the failure to complete the report and provide an estimated date by which the application will be approved or denied. Failure to comply with these time periods shall not result in approval by default.~~

~~(14)(15) Where necessary to establish a price for the sale or other disposition of state lands, including leases or easements, the Division of State Lands may utilize appropriate appraiser selection and contracting procedures established under s. 253.025. The board of trustees may adopt rules to implement this subsection.~~

~~(15)(16) The Board of Trustees of the Internal Improvement Trust Fund, and the state through its agencies, may not control, regulate, permit, or charge for any severed materials which are removed from the area adjacent to an intake or discharge structure pursuant to an exemption authorized in s. 403.813(2)(f) and (r).~~

Section 24. Subsection (6) of section 287.064, Florida Statutes, as amended by section 10 of chapter 2003-399, Laws of Florida, is amended to read:

287.064 Consolidated financing of deferred-payment purchases.—

(6) There is created the Consolidated Payment Trust Fund in the Chief Financial Officer's office for the purpose of implementing the provisions of this act. All funds debited from each agency and each community college pursuant to the provisions of this section may be deposited in the trust fund and shall be used to meet the financial obligations incurred pursuant to this act. Any income from the investment of funds may be used to fund administrative costs associated with this program.

Section 25. Section 440.501, Florida Statutes, is repealed.

Section 26. Section 450.155, Florida Statutes, is amended to read:

450.155 *Funding of the Child Labor Law program Trust Fund.*—

(1) There is created in the State Treasury an account to be known as the Child Labor Law program Trust Fund. Subject to such appropriations made by the Legislature shall be used may make therefor from time to time, disbursements from this account may be made by the division, subject to the approval of the department, in order to carry out the proper responsibilities of administering the Child Labor Law, to protect the working youth of the state, and to provide education about the Child Labor Law to employers, public school employees, the general public, and working youth. The Child Labor Law Trust Fund and the moneys deposited therein shall be under the direct supervision and control of the department, and such moneys may be disbursed by the Chief Financial Officer from time to time as determined by the department.

(2) Moneys for the administration of the child labor program shall be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund of the Department of Financial Services pursuant to nonoperating transfers. Notwithstanding the provisions of s. 216.292, the Child Labor Law Trust Fund shall not be available for transfer for any purposes other than those provided for in this section.

Section 27. Section 450.165, Florida Statutes, is created to read:

450.165 *Child labor law and farm labor accounts.*—The department shall maintain separate accounts in the Professional Regulation Trust Fund for child labor law enforcement and administration activities and for farm labor registration activities. The department shall account for the expenditure of moneys received from the Workers' Compensation Administration Trust Fund of the Department of Financial Services. To the maximum extent possible, the department shall directly charge all expenses to the appropriate account.

Section 28. Subsection (7) of section 450.30, Florida Statutes, is amended to read:

450.30 Requirement of certificate of registration; education and examination program.—

(7) The department shall charge each applicant a \$35 fee for the education and examination program. Such fees shall be deposited in the Professional Regulation Crew Chief Registration Trust Fund.

Section 29. Paragraph (c) of subsection (1) of section 450.31, Florida Statutes, is amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(1) The department shall not issue to any person a certificate of registration as a farm labor contractor, nor shall it renew such certificate, until:

(c) Such person pays to the department, in cash, certified check, or money order, a nonrefundable application fee of \$75. Fees collected by the department under this subsection shall be deposited in the State Treasury into the Professional Regulation Crew Chief Registration Trust Fund, which is hereby created, and shall be utilized for administration of this part.

Section 30. Section 494.0017, Florida Statutes, is amended to read:

494.0017 *Regulatory Trust Mortgage Brokerage Guaranty Fund.*—

(1) The office shall make transfers from the Regulatory Trust Fund to the Mortgage Brokerage Guaranty Fund to pay valid claims arising

under former ss. 494.042, 494.043, and 494.044, as provided in former s. 494.00171 from the Regulatory Trust Fund.

(2) Any money paid to the Mortgage Brokerage Guaranty Fund in excess of any liability to claimants against the Mortgage Brokerage Guaranty Fund shall be transferred to the Regulatory Trust Fund.

(2)(3) Funds from the Regulatory Trust The Mortgage Brokerage Guaranty Fund shall be disbursed as provided in former s. 494.044, upon approval by the office, to any party to a mortgage financing transaction who:

(a) Is adjudged by a court of competent jurisdiction of this state to have suffered monetary damages as a result of any violation of chapter 494 in effect prior to October 1, 1991, committed by a licensee or registrant;

(b) Has filed a claim for recovery prior to January 1, 1992; and

(c) Has suffered monetary damages as a result of an act occurring prior to October 1, 1991.

(3)(4) Notwithstanding s. 215.965, the office may disburse funds to a court or court-appointed person for distribution, if the conditions precedent for recovery exist and the distribution would be the fairest and most equitable manner of distributing the funds.

Section 31. Paragraph (d) of subsection (2) of section 494.0041, Florida Statutes, is amended to read:

494.0041 Administrative penalties and fines; license violations.—

(2) Each of the following acts constitutes a ground for which the disciplinary actions specified in subsection (1) may be taken:

(d) Disbursement, or an act which has caused or will cause disbursement, to any person in any amount from the Regulatory Trust Mortgage Brokerage Guaranty Fund, the Securities Guaranty Fund, or the Florida Real Estate Recovery Fund, regardless of any repayment or restitution to the disbursed fund by the licensee or any person acting on behalf of the licensee or registrant.

Section 32. Paragraph (d) of subsection (2) of section 494.0072, Florida Statutes, is amended to read:

494.0072 Administrative penalties and fines; license violations.—

(2) Each of the following acts constitutes a ground for which the disciplinary actions specified in subsection (1) may be taken:

(d) Disbursement, or an act which has caused or will cause disbursement, to any person in any amount from the Regulatory Trust Mortgage Brokerage Guaranty Fund, the Securities Guaranty Fund, or the Florida Real Estate Recovery Fund, regardless of any repayment or restitution to the disbursed fund by the licensee or any person acting on behalf of the licensee.

Section 33. Subsection (1) of section 501.2101, Florida Statutes, is amended to read:

501.2101 Enforcing authorities; moneys received in certain proceedings.—

(1) Any moneys received by an enforcing authority for attorney's fees and costs of investigation or litigation in proceedings brought under the provisions of s. 501.207, s. 501.208, or s. 501.211 shall be deposited as received in the Legal Affairs Revolving Trust Fund if the action is brought by the Department of Legal Affairs, and in the Consumer Frauds Trust Fund of the Justice Administrative Commission if the action is brought by a state attorney in the State Treasury.

Section 34. Section 569.205, Florida Statutes, as amended by section 734 of chapter 2003-261, Laws of Florida, is repealed.

Section 35. Subsections (1) and (2) of section 650.04, Florida Statutes, are amended to read:

650.04 Contributions by state employees.—

(1) Every employee of the state whose services are covered by an agreement entered into under s. 650.03 shall be required to pay for the

period of such coverage, ~~into the Social Security Contribution Trust Fund established by s. 650.06,~~ contributions, with respect to wages as defined in s. 650.02, equal to the amount of the employee tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that act. Such liability shall arise in consideration of the employee's retention in the service of the state, or the employee's entry upon such service, after the enactment of this chapter.

(2) The contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution. *Effective January 1987, such contributions shall be submitted to the Internal Revenue Service as directed by the Social Security Administration.*

Section 36. Section 650.05, Florida Statutes, is amended to read:

650.05 Plans for coverage of employees of political subdivisions.—

(1) Each political subdivision of the state is hereby authorized to submit for approval by the state agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with the applicable provisions of such act, to employees of such political subdivisions. Each such plan and any amendment thereof shall be approved by the state agency if it is found that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the state agency, except that no such plan shall be approved unless:

(a) It is in conformity with the requirements of the Social Security Act and with the agreement entered into under s. 650.03;

(b) It provides that all services which constitute employment as defined in s. 650.02 are performed in the employ of the political subdivisions by employees thereof, shall be covered by the plan, except such of those services set forth in s. 650.02(2)(c) as the political subdivision specifically elects to exclude;

(c) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (3)(a) ~~and by subsection (4)~~ are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(d) It provides for such methods of administration of the plan by the political subdivision as are found by the state agency to be necessary for the proper and efficient administration of the plan;

(e) It provides that the political subdivision will make such reports, in such form and containing such information, as the state agency may from time to time require, and comply with such provisions as the state agency or the Secretary of Health, Education, and Welfare may from time to time find necessary to assure the correctness and verification of such reports; and

(f) It authorizes the state agency to terminate the plan in its entirety, in the discretion of the state agency, if it finds that there has been a failure to comply substantially with any provisions contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the state agency and may be consistent with the provisions of the Social Security Act.

(2) The state agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (1), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby. Any final decision of the state agency shall be subject to proper judicial review.

(3)(a) Each political subdivision as to which a plan has been approved under this section shall pay to the Internal Revenue Service ~~into the Social Security Contribution Trust Fund,~~ with respect to wages (as defined in s. 650.02), at such time or times as the Social Security Administration state agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under s. 650.03.

(b) Each political subdivision required to make payments under paragraph(a) is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this chapter, to impose upon each of its employees, as to services which are covered by an

approved plan, a contribution with respect to his or her wages as defined in s. 650.02 not exceeding the amount of the employee tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that act, and to deduct the amount of such contribution from his or her wages as and when paid. Contributions so collected shall be paid to the Internal Revenue Service ~~into the Social Security Contribution Trust Fund~~ in partial discharge of the liability of such political subdivision or instrumentality under paragraph (a). Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

~~(4) Delinquent payments due under paragraph (3)(a) may, with interest of 1 percent for each calendar month or part thereof past the due date, be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or shall, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.~~

~~(5) Each political subdivision as to which a plan has been approved shall be liable to the state agency for a proportionate part of the cost of administering this chapter. Such proportionate cost shall be computed and paid in accordance with such regulations relating thereto as may be adopted by the state agency and shall be deposited in the Social Security Administration Trust Fund; and, if any such payment is not made when due, the amount thereof, with interest of 0.5 percent for each calendar month or part thereof past the due date, shall, upon request of the state agency, be deducted from any other moneys payable to such political subdivision by any officer, department, or agency of the state, and forthwith paid to the state agency. Withdrawals from the Social Security Administration Trust Fund shall be made solely for the payment of costs of administering this chapter, and any balance in excess of the amount necessary for administering this chapter shall be transferred to the state retirement system trust funds established pursuant to chapter 121 to make up the actuarial deficit in any of the state retirement systems consolidated thereunder, and the necessary amounts are hereby appropriated from said funds for these purposes.~~

~~(4)(6)(a)~~ Notwithstanding any other provision of this chapter, effective January 1, 1972, all state political subdivisions receiving financial aid that provide social security coverage for their employees pursuant to the provisions of this chapter and the provisions of the various retirement systems as authorized by law shall, in addition to other purposes, utilize all grants-in-aid and other revenue received from the state to pay the employer's share of social security cost.

(b) The grants-in-aid and other revenue referred to in paragraph (a) specifically include, but are not limited to, minimum foundation program grants to public school districts and community colleges; gasoline, motor fuel, intangible, cigarette, racing, and insurance premium taxes distributed to political subdivisions; and amounts specifically appropriated as grants-in-aid for mental health, mental retardation, and mosquito control programs.

Section 37. Section 650.06, Florida Statutes, as amended by section 1661 of chapter 2003-261, Laws of Florida, is repealed.

Section 38. Paragraph (c) of subsection (1) and paragraphs (a) and (e) of subsection (2) of section 895.09, Florida Statutes, are amended to read:

895.09 Disposition of funds obtained through forfeiture proceeds.—

(1) A court entering a judgment of forfeiture in a proceeding brought pursuant to s. 895.05 shall retain jurisdiction to direct the distribution of any cash or of any cash proceeds realized from the forfeiture and disposition of the property. The court shall direct the distribution of the funds in the following order of priority:

(c) Any claim by the Board of Trustees of the Internal Improvement Trust Fund on behalf of the Internal Improvement Forfeited Property Trust Fund or the Land Acquisition Trust Fund pursuant to s. 253.03(13), not including administrative costs of the Department of Environmental Protection previously paid directly from the Internal Improvement Forfeited Property Trust Fund in accordance with legislative appropriation.

(2)(a) Following satisfaction of all valid claims under subsection (1), 25 percent of the remainder of the funds obtained in the forfeiture

proceedings pursuant to s. 895.05 shall be deposited as provided in paragraph (b) into the appropriate trust fund of the Department of Legal Affairs or state attorney's office which filed the civil forfeiture action; 25 percent shall be deposited as provided in paragraph (c) into the applicable law enforcement trust fund of the investigating law enforcement agency conducting the investigation which resulted in or significantly contributed to the forfeiture of the property; 25 percent shall be deposited as provided in paragraph (d) in the Substance Abuse Trust Fund of the Department of Children and Family Services; and the remaining 25 percent shall be deposited in the *Internal Improvement Forfeited Property Trust Fund* of the Department of Environmental Protection. When a forfeiture action is filed by the Department of Legal Affairs or a state attorney, the court entering the judgment of forfeiture shall, taking into account the overall effort and contribution to the investigation and forfeiture action by the agencies that filed the action, make a pro rata apportionment among such agencies of the funds available for distribution to the agencies filing the action as provided in this section. If multiple investigating law enforcement agencies have contributed to the forfeiture of the property, the court which entered the judgment of forfeiture shall, taking into account the overall effort and contribution of the agencies to the investigation and forfeiture action, make a pro rata apportionment among such investigating law enforcement agencies of the funds available for distribution to the investigating agencies as provided in this section.

(e) On a quarterly basis, any excess funds from forfeited property receipts, including interest, over \$1 million deposited in the *Internal Improvement Forfeited Property Trust Fund* of the Department of Environmental Protection in accordance with paragraph (a) shall be deposited in the Substance Abuse Trust Fund of the Department of Children and Family Services.

Section 39. Paragraph (b) of subsection (5) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(5) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund. However, if the seizing agency is:

(b) The Department of Environmental Protection, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the *Internal Improvement Forfeited Property Trust Fund* or into the department's *Federal Law Enforcement Trust Fund* as provided in s. 20.2553, as applicable.

Section 40. This act shall take effect July 1, 2004.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Environmental Protection, the Department of Financial Services, the Office of Financial Regulation, the Department of Management Services, the Department of Revenue, the Department of Business and Professional Regulation and the Department of Agriculture and Consumer Services; providing for the disposition of balances in and revenues of such trust funds; prescribing procedures for terminating such trust funds; terminating a trust fund within the Department of Environmental Protection on the date that the bonds secured by the fund mature; requiring the department to notify the Chief Financial Officer and the Legislature following such termination; requiring a report to the Legislature if the fund is not terminated by a date certain; declaring the findings of the Legislature that specified trust funds within the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Department of Management Services, the Department of Revenue, the Department of Financial Services, the State Board of Administration, and the Division of Bond Finance are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; renaming specified trust funds within the Department of Financial Services and the Office of Financial Regulation; amending s. 17.43, F.S.; renaming a trust fund within the Department of Financial Services; repealing s. 20.2553, F.S., relating to the Federal Law Enforcement Trust Fund within the Department of Environmental Protection; repealing s. 110.151(7), F.S., relating to the State Employee Child Care Revolving Trust Fund within the Department of Management Services; amending s. 199.292, F.S.; requiring that pro-

ceeds of the intangible personal property tax be deposited into the General Revenue Fund rather than a special trust fund; deleting provisions requiring that a portion of such proceeds be used for enforcement purposes; amending ss. 121.011, 121.031, and 121.141, F.S.; providing for payment of certain social security contributions to the Internal Revenue Service rather than the Social Security Contribution Trust Fund; repealing s. 122.13, F.S., relating to certain payments made into a retirement trust fund, to conform; amending ss. 122.26 and 122.27, F.S., and repealing s. 122.30, F.S.; deleting references to the Social Security Contribution Trust Fund, to conform; amending s. 122.35, F.S., and repealing s. 122.351, F.S.; deleting obsolete provisions relating to payments made to the Social Security Contribution Trust Fund; amending s. 199.292, F.S.; providing for the deposit of intangible personal property taxes into the General Revenue Fund; providing an exception for certain leasehold taxes; amending s. 212.20, F.S.; revising a reference to the Municipal Financial Assistance Trust Fund, to conform; repealing s. 213.31, F.S., relating to the Corporation Tax Administration Trust Fund; amending s. 215.20, F.S., relating to the service charge imposed on state trust funds; conforming provisions to changes made by the act; amending s. 215.32, F.S.; providing requirements for state agencies with respect to the use of various trust funds; requiring an agency to recommend the creation of a trust fund under certain circumstances; amending s. 253.03, F.S.; deleting provisions referencing the Forfeited Property Trust Fund in the Department of Environmental Protection; amending s. 287.064, F.S.; deleting provisions referencing the Consolidated Payment Trust Fund of the Chief Financial Officer; repealing s. 440.501, F.S., relating to the Workers' Compensation Administration Trust Fund within the Department of Business and Professional Regulation; amending s. 450.155, F.S., relating to the Child Labor Law Trust Fund; providing for the transfer of moneys to the Professional Regulation Trust Fund of the Department of Financial Services; creating s. 450.165, F.S.; requiring separate accounts for child labor enforcement and farm labor registration activities; amending ss. 450.30 and 450.31, F.S.; deleting provisions referencing the Crew Chief Registration Trust Fund; amending ss. 494.0017, 494.0041, and 494.0072, F.S.; deleting provisions referencing the Mortgage Brokerage Guaranty Fund; amending s. 501.2101, F.S.; designating trust funds for the deposit of moneys received by certain enforcing authorities; repealing s. 569.205, F.S., relating to the Department of Business and Professional Regulation Tobacco Settlement Trust Fund; amending ss. 650.04 and 650.05, F.S., and repealing s. 650.06, F.S., relating to payments to the Social Security Contribution Trust Fund; conforming provisions to changes made by the act; amending ss. 895.09 and 932.7055, F.S.; deleting provisions referencing the Forfeited Property Trust Fund to conform to changes made by the act; providing an effective date.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

CONFEREES APPOINTED

By direction of the President, the following Senate bills were included in the conference committee's deliberations on **HB 1835** (the General Appropriations Act) and **HB 1837** (the Implementing Bill) which were previously appointed April 14: **CS for SB 1250, CS for SB 1258, CS for SB 1270, CS for SB 1278, CS for SB 2230, CS for SB 2510, CS for SB 2514, CS for SB 2564 and CS for SB 2644.**

The action of the Senate was certified to the House.

BILLS ON THIRD READING

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 third time by title.

On motion by Senator Argenziano, **SB 676** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Saunders
Clary	Jones	Siplin
Cowin	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lee	Webster
Diaz de la Portilla	Lynn	Wilson
Dockery	Margolis	Wise
Fasano	Miller	
Garcia	Peaden	

Nays—None

Vote after roll call:

Yea—Constantine, Sebesta

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.

—was read the third time by title.

On motion by Senator Miller, **HB 511** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
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	

Nays—None

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; 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; prohibiting the accounting practice of extrapolation for calculating penalties for Medicaid audits; 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.

—as amended April 14 was read the third time by title.

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

Amendment 1 (670914)—On page 53, lines 29 and 30, delete those lines and insert: *a hospital emergency department, hospital inpatient or outpatient setting, or nursing home;*

Amendment 2 (043112)—On page 109, lines 11-16, delete those lines and insert: *implementing the changes.*

MOTION

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

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

Amendment 3 (050500)—On page 46, lines 30 and 31, delete those lines and insert: *not less than 1 year. The lock-in programs shall include,*

On motion by Senator Saunders, **CS for CS for SB 1064** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—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	

Nays—None

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 an insurer must deliver certain 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.

—as amended April 14 was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for SB 2588** as amended was passed and certified to the House. The vote on passage was:

Yeas—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	

Nays—None

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 third time by title.

On motion by Senator Atwater, **SB 2832** was passed and certified to the House. The vote on passage was:

Yeas—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	

Nays—None

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.

—was read the third time by title.

On motion by Senator Dockery, **HB 1787** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
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	

Nays—None

Vote after roll call:

Yea—Garcia, Saunders

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.

—was read the third time by title.

On motion by Senator Clary, **HB 951** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
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	

Nays—None

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 third time by title.

On motion by Senator Lynn, **CS for CS for SB 1330** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 third time by title.

On motion by Senator Fasano, **SB 1728** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
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	

Nays—None

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.

—as amended April 14 was read the third time by title.

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

Amendment 1 (372604)(with title amendment)—On page 4, between lines 22 and 23, insert:

Section 3. Paragraph (d) of subsection (2) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(2) **REQUIRED PROVISIONS.**—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(d) Unit owner meetings.—

1. There shall be an annual meeting of the unit owners. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term shall be filled by electing a new board member, and the election shall be by secret ballot; however, if the number of vacancies equals or exceeds the number of candidates, no election is required. If there is no provision in the bylaws for terms of the members of the board, the terms of all members of the board shall expire upon the election of their successors at the annual meeting. Any unit owner desiring to be a candidate for board membership shall comply with subparagraph 3. A person who has been convicted of any felony by any court of record in the United States and who has not had his or her right to vote restored pursuant to law in the jurisdiction of his or her residence is not eligible for board membership. The validity of an action by the board is not affected if it is later determined that a member of the board is ineligible for board membership due to having been convicted of a felony.

2. The bylaws shall provide the method of calling meetings of unit owners, including annual meetings. Written notice, which notice must include an agenda, shall be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days prior to the annual meeting and shall be posted in a conspicuous place on the condominium property at least 14 continuous days preceding the annual meeting. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the condominium property or association property upon which all notices of unit owner meetings shall be posted; however, if there is no condominium property or association property upon which notices can be posted, this requirement does not apply. In lieu of or in addition to the physical posting of notice of any meeting of the unit owners on the condominium property, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. When broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice shall be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes shall be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association shall provide notice, for meetings and all other purposes, to that one address which the developer initially identifies for that purpose and thereafter as one or more of the owners of the unit shall so advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, shall provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered, in accordance with this provision.

3. The members of the board shall be elected by written ballot or voting machine. Proxies shall in no event be used in electing the board, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. Not less than 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, whether by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled

to a vote, a first notice of the date of the election. Any unit owner or other eligible person desiring to be a candidate for the board must give written notice to the association not less than 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 2., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the association shall include an information sheet, no larger than 8½ inches by 11 inches, which must be furnished by the candidate not less than 35 days before the election, to be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with the provisions contained herein, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of those ballots cast. There shall be no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election of members of the board. No unit owner shall permit any other person to vote his or her ballot, and any such ballots improperly cast shall be deemed invalid, provided any unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain assistance in casting the ballot. The regular election shall occur on the date of the annual meeting. The provisions of this subparagraph shall not apply to timeshare condominium associations. Notwithstanding the provisions of this subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

4. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), shall be made at a duly noticed meeting of unit owners and shall be subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any statute that provides for such action.

5. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any statute. If authorized by the bylaws, notice of meetings of the board of administration, unit owner meetings, except unit owner meetings called to recall board members under paragraph (j), and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission.

6. Unit owners shall have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

7. Any unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

8. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to the requirements of subparagraph 3. unless the association has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (j) and rules adopted by the division.

9. *Fifteen percent of the total voting interests in a condominium association, or six unit owners, whichever is greater, may petition the division to appoint an election monitor to attend the annual meeting of the unit owners and conduct the election of directors. The division shall appoint a division employee, a person or persons specializing in condominium election monitoring, or an attorney licensed to practice in this state as the*

election monitor. All costs associated with the election monitoring process shall be paid by the association. The division shall adopt a rule establishing procedures for the appointment of election monitors and the scope and extent of the monitor's role in the election process.

Notwithstanding subparagraphs (b)2. and (d)3., an association may, by the affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which vote may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

Section 4. Paragraph (d) of subsection (1) of section 719.106, Florida Statutes, is amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(d) Shareholder meetings.—There shall be an annual meeting of the shareholders. All members of the board of administration shall be elected at the annual meeting unless the bylaws provide for staggered election terms or for their election at another meeting. Any unit owner desiring to be a candidate for board membership shall comply with subparagraph 1. The bylaws shall provide the method for calling meetings, including annual meetings. Written notice, which notice shall incorporate an identification of agenda items, shall be given to each unit owner at least 14 days prior to the annual meeting and shall be posted in a conspicuous place on the cooperative property at least 14 continuous days preceding the annual meeting. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the cooperative property upon which all notice of unit owner meetings shall be posted. In lieu of or in addition to the physical posting of notice of any meeting of the shareholders on the cooperative property, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the cooperative association. However, if broadcast notice is used in lieu of a notice posted physically on the cooperative property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. When broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. Unless a unit owner waives in writing the right to receive notice of the annual meeting, the notice of the annual meeting shall be sent by mail, hand delivered, or electronically transmitted to each unit owner. An officer of the association shall provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association, affirming that notices of the association meeting were mailed, hand delivered, or electronically transmitted, in accordance with this provision, to each unit owner at the address last furnished to the association.

1. After January 1, 1992, the board of administration shall be elected by written ballot or voting machine. Proxies shall in no event be used in electing the board of administration, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise unless otherwise provided in this chapter. Not less than 60 days before a scheduled election, the association shall mail, deliver, or transmit, whether by separate association mailing, delivery, or electronic transmission or included in another association mailing, delivery, or electronic transmission, including regularly published newsletters, to each unit owner entitled to vote, a first notice of the date of the election. Any unit owner or other eligible person desiring to be a candidate for the board of administration shall give written notice to the association not less than 40 days before a scheduled election. Together with the written notice and agenda as set forth in this section, the association shall mail, deliver, or electronically transmit a second notice of election to all unit owners entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the association shall include an information sheet, no larger than 8½ inches by 11 inches, which must be furnished by the candidate not less than 35 days prior to the election, to be included with the mailing, delivery, or electronic transmission of the ballot, with the costs of mailing, delivery, or transmission and copying to be borne by the association. The association has no liability for the contents of the information sheets provided by the candidates. In order

to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with the provisions contained herein, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of those ballots cast. There shall be no quorum requirement. However, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election of members of the board of administration. No unit owner shall permit any other person to vote his or her ballot, and any such ballots improperly cast shall be deemed invalid. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain assistance in casting the ballot. Any unit owner violating this provision may be fined by the association in accordance with s. 719.303. The regular election shall occur on the date of the annual meeting. The provisions of this subparagraph shall not apply to timeshare cooperatives. Notwithstanding the provisions of this subparagraph, an election and balloting are not required unless more candidates file a notice of intent to run or are nominated than vacancies exist on the board.

2. Any approval by unit owners called for by this chapter, or the applicable cooperative documents, shall be made at a duly noticed meeting of unit owners and shall be subject to all requirements of this chapter or the applicable cooperative documents relating to unit owner decision-making, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable cooperative documents or any Florida statute which provides for the unit owner action.

3. Unit owners may waive notice of specific meetings if allowed by the applicable cooperative documents or any Florida statute. If authorized by the bylaws, notice of meetings of the board of administration, shareholder meetings, except shareholder meetings called to recall board members under paragraph (f), and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission.

4. Unit owners shall have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

5. Any unit owner may tape record or videotape meetings of the unit owners subject to reasonable rules adopted by the division.

6. *Fifteen percent of the total voting interests in a cooperative association, or six unit owners, whichever is greater, may petition the division to appoint an election monitor to attend the annual meeting of the shareholders and conduct the election of directors. The division shall appoint a division employee, a person or persons specializing in cooperative election monitoring, or an attorney licensed to practice in this state as the election monitor. All costs associated with the election monitoring process shall be paid by the association. The division shall adopt a rule establishing procedures for the appointment of election monitors and the scope and extent of the monitor's role in the election process.*

Notwithstanding subparagraphs (b)2. and (d)1., an association may, by the affirmative vote of a majority of the total voting interests, provide for a different voting and election procedure in its bylaws, which vote may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: amending ss. 718.112, 719.106, F.S.; providing for unit owners or shareholders to petition the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to appoint an election monitor to attend the annual association meeting and conduct the election of directors; providing for the adoption of rules;

On motion by Senator Geller, **SB 1938** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Crist

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 third time by title.

On motion by Senator Posey, **CS for SB 1790** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 third time by title.

On motion by Senator Crist, **CS for SB 204** was passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

Vote after roll call:

Yea—Constantine

CS for CS for SB 2882—A bill to be entitled 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 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; 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 date.

—as amended April 14 was read the third time by title.

SENATOR WEBSTER PRESIDING

Senator Klein moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (415270)—On page 18, line 5, delete the second “or” and insert: *and or*

On motion by Senator Constantine, **CS for CS for SB 2882** as amended was passed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for SB 2334** was deferred.

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 effective date.

—as amended April 14 was read the third time by title.

MOTION

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

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

Amendment 1 (025926)(with title amendment)—On page 23, between lines 11 and 12, insert:

Section 9. Paragraph (b) of subsection (2), paragraph (f) of subsection (4) and subsection (5) of section 403.121, Florida Statutes, are amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(2) Administrative remedies:

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed \$10,000 per assessment as calcu-

lated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s.300g-2, the administrative penalty assessed pursuant to subsections (3), (4), or (5) against a public water system serving a population of more than 10,000 shall be not less than \$1,000 per day per violation. The department shall not impose administrative penalties in excess of \$10,000 in a notice of violation. The department shall not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.

(4) In an administrative proceeding, in addition to the penalties that may be assessed under subsection (3), the department shall assess administrative penalties according to the following schedule:

(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to prepare, submit, maintain, or use required reports or other required documentation, \$500.

(5) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section, the department may assess a penalty of \$500.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 7, after the semicolon (;) insert: amending s. 403.121, F.S.; conforming administrative penalties assessed against certain public water systems to federal regulations;

On motion by Senator Dockery, CS for CS for SB 1142 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 security numbers by state universities, community colleges, and public postsecondary 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 third time by title.

On motion by Senator Aronberg, CS for CS for CS for SB 1218 was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Bennett	Clary
Argenziano	Bullard	Constantine
Aronberg	Campbell	Cowin
Atwater	Carlton	Crist

Dawson	Klein	Saunders
Diaz de la Portilla	Lawson	Sebesta
Dockery	Lee	Siplin
Fasano	Lynn	Smith
Garcia	Margolis	Villalobos
Geller	Miller	Wasserman Schultz
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
Nays—None		

Smith	Wasserman Schultz	Wilson
Villalobos	Webster	Wise
Nays—None		

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 third time by title.

On motion by Senator Peaden, **CS for SB 860** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 third time by title.

On motion by Senator Garcia, **CS for CS for SB 712** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Lawson
Argenziano	Dawson	Lee
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Bennett	Fasano	Miller
Bullard	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin

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 third time by title.

On motion by Senator Bullard, **CS for SB 418** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 third time by title.

On motion by Senator Posey, **SB 226** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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; 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; 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; providing an effective date.

—as amended April 14 was read the third time by title.

On motion by Senator Fasano, SB 120 as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns of names: Alexander, Argenziano, Aronberg, Atwater, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Geller, Haridopolos, Hill, Jones, Klein, Lawson, Lee, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Saunders, Sebesta, Siplin, Smith, Villalobos, Wasserman Schultz, Webster, Wilson, Wise.

Nays—None

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.

—was read the third time by title.

On motion by Senator Wasserman Schultz, HB 941 was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns of names: Alexander, Argenziano, Aronberg, Atwater, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Geller, Haridopolos, Hill, Jones, Klein, Lawson, Lee, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Saunders, Sebesta, Siplin, Smith, Villalobos, Wasserman Schultz, Webster, Wilson, Wise.

Table with 3 columns of names: Smith, Villalobos, Wasserman Schultz, Webster, Wilson, Wise.

Nays—None

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 third time by title.

On motion by Senator Peaden, CS for SB 858 was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns of names: Alexander, Argenziano, Aronberg, Atwater, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Geller, Haridopolos, Hill, Jones, Klein, Lawson, Lee, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Saunders, Sebesta, Siplin, Smith, Villalobos, Wasserman Schultz, Webster, Wilson, Wise.

Nays—None

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.

—as amended April 14 was read the third time by title.

On motion by Senator Margolis, CS for CS for CS for SB 446 as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns of names: Alexander, Argenziano, Aronberg, Atwater, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Geller, Haridopolos, Hill, Jones, Klein, Lawson, Lee, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Saunders, Sebesta, Siplin, Smith, Villalobos, Wasserman Schultz, Webster, Wilson, Wise.

Nays—None

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.

—was read the third time by title.

On motion by Senator Saunders, HB 419 was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns of names: Alexander, Argenziano, Aronberg, Atwater, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Geller, Haridopolos, Hill, Jones, Klein, Lawson, Lee, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Saunders, Sebesta, Siplin, Smith, Villalobos, Wasserman Schultz, Webster, Wilson, Wise.

Nays—None

THE PRESIDENT PRESIDING

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.

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

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

ARTICLE X MISCELLANEOUS

SECTION 22. Parental notification of an abortion on a minor.—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. Notwithstanding the minor’s right of privacy provided in Section 23 of Article I, the legislature may by general law require notification of a parent or guardian of a minor prior to the performance of an abortion on the minor. This right to notification shall not apply to minors emancipated by general law.

BE IT FURTHER RESOLVED that the title and substance of the amendment proposed herein shall appear on the ballot as follows:

PARENTAL NOTIFICATION OF ABORTION ON A MINOR

Proposes the creation of Section 22 of Article X of the State Constitution to provide that the Legislature may, notwithstanding the state constitutional right of privacy, enact legislation requiring notification of a parent or guardian of a minor prior to the performance of an abortion on the minor. 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 amendment provides that the right to notification shall not apply to minors emancipated by general law. Under the amendment, the Legislature is not prevented from creating a judicial bypass process containing exceptions to parental notification, including, but not limited to, cases involving pregnancies caused by the father, stepfather, or legal guardian of the minor.

—as amended April 14 was read the third time in full.

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until completion of Bills on Third Reading and the Special Order Calendar.

On motion by Senator Diaz de la Portilla, HJR 1 as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—27

Table with 3 columns of names: Mr. President, Alexander, Argenziano, Atwater, Bennett, Bullard, Carlton, Clary, Constantine, Cowin, Crist, Diaz de la Portilla, Dockery, Fasano, Garcia, Haridopolos, Jones, Lee, Lynn, Peaden, Posey, Pruitt, Saunders, Sebesta, Villalobos, Webster, Wise.

Nays—13

Table with 3 columns of names: Aronberg, Campbell, Dawson, Geller, Hill, Klein, Lawson, Margolis, Miller, Siplin, Smith, Wasserman Schultz, Wilson.

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 third time by title.

On motion by Senator Margolis, SB 1626 was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

Table with 3 columns of names: Mr. President, Alexander, Argenziano, Aronberg, Atwater, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Geller, Haridopolos, Hill, Jones, Klein, Lawson, Lee, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Saunders, Sebesta, Siplin, Smith, Villalobos, Wasserman Schultz, Webster, Wilson, Wise.

Nays—None

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 severability; amending s. 501.207, F.S., relating to remedies of the enforcing authority under the Florida Deceptive and Unfair Trade Practices Act; providing that the court may order actions brought under that act on behalf of an enterprise; providing an effective date.

—as amended April 14 was read the third 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 by two-thirds vote:

Amendment 1 (794336)—On page 6, line 4, before “enterprise” insert: *defendant*

On motion by Senator Aronberg, **CS for CS for SB 482** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—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	

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Alexander—

SB 2484—A bill to be entitled An act relating to citrus canker; amending s. 120.80, F.S.; excluding certain statements and actions by the Department of Agriculture and Consumer Services from application of certain rules; creating s. 933.40, F.S.; providing definitions; providing for issuance of agriculture warrants for certain purposes under certain circumstances; requiring probable cause; providing criteria procedures for issuing such warrants; providing certain guidelines and limitations on required notice; providing for ex parte hearing for certain warrant applications; providing a time limit on the effectiveness of certain warrants; providing a criminal penalty for refusal to permit execution of a warrant; prohibiting certain persons from giving certain information as a confidential informant under certain circumstances; providing construction; amending s. 581.184, F.S.; authorizing the destruction of certain trees; providing a notice requirement to certain property owners; preempting regulation of tree removal and destruction to the state; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2484** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 1300—A bill to be entitled An act relating to consumer services; amending s. 493.6101, F.S.; expanding the definition of the term “repossession” for purposes of the regulation of repossession services; amending s. 493.6102, F.S.; revising the applicability of ch. 493, F.S., governing private investigative, private security, and repossession services; amending s. 493.6110, F.S.; revising the insurance requirements for licensure as a security agency under such chapter; amending s. 493.6118, F.S.; revising the grounds for discipline of persons or entities that are licensed as, or applicants for licensure as, a recovery agency, recovery agent, and recovery agent intern under such chapter; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1300** to **HB 595**.

Pending further consideration of **CS for SB 1300** as amended, on motion by Senator Garcia, by two-thirds vote **HB 595** was withdrawn from the Committees on Commerce, Economic Opportunities, and Consumer Services; Agriculture; and Judiciary.

On motion by Senator Garcia—

HB 595—A bill to be entitled An act relating to consumer services; amending s. 493.6101, F.S.; expanding the definition of the term “repossession” for purposes of the regulation of repossession services; amending s. 493.6102, F.S.; revising the applicability of ch. 493, F.S., governing private investigative, private security, and repossession services; amending s. 493.6110, F.S.; revising insurance requirements for licensure under chapter 493, F.S., and providing insurance requirements with respect to Class “B” security agencies; amending s. 493.6118, F.S.; revising the grounds for discipline of persons or entities that are licensed as, or applicants for licensure as, a recovery agency, recovery agent, and recovery agent intern under such chapter; providing an effective date.

—a companion measure, was substituted for **CS for SB 1300** as amended and read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (113090)—Lines 35-37, delete those lines and insert: *and bulldozers. The term “industrial equipment” also includes other vehicles that are propelled by power other than muscular power that are used in the manufacture of goods or used in the provision of services. A repossession is complete when a licensed recovery*

Pursuant to Rule 4.19, **HB 595** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 2046—A bill to be entitled An act relating to adoption; amending s. 39.812, F.S.; restricting the ability of the Department of Children and Family Services to remove a child from the home of a foster parent or court-ordered custodian under certain circumstances; providing an exception to a requirement that a department consent be attached to an adoption petition; amending s. 63.062, F.S.; requiring a waiver of department consent under certain circumstances; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (704078)—On page 2, line 20, after “withheld” insert: *and provided that the petitioner has filed with the court a favorable preliminary adoptive home study performed by a licensed child-placing agency, a child-caring agency registered under s. 409.176, or a licensed professional or agency described in s. 61.20(2)*

Amendment 2 (612350)—On page 3, line 8, after “withheld” insert: *, provided that the petitioner has filed with the court a favorable preliminary adoptive home study performed by a licensed child-placing agency, a child-caring agency registered under s. 409.176, or a licensed professional or agency described in s. 61.20(2)*

Pursuant to Rule 4.19, **SB 2046** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 495** was withdrawn from the Committees on Criminal Justice; and Judiciary.

On motion by Senator Crist—

HB 495—A bill to be entitled An act relating to protective injunctions from repeat, sexual, and dating violence; amending s. 784.046, F.S.; providing that a petitioner for an injunction for protection against sexual violence may list the address of his or her current residence in a separate confidential filing in certain circumstances; revising requirements relating to documents filed in support of such petition; deleting a provision providing for service of the petition, notice of hearing, and any temporary injunction in circumstances where the respondent is in the custody of the Department of Corrections; deleting a provision authorizing service by a correctional officer and specifying the circumstances of such service; revising a cross reference to conform; amending ss. 784.047, and 784.08, F.S.; clarifying cross references to conform; amending s. 901.15, F.S.; deleting a provision authorizing an officer to make an arrest without a warrant in certain circumstances; amending s. 20.165, F.S.; revising a cross reference to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1568** and read the second time by title.

Pursuant to Rule 4.19, **HB 495** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1764** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for SB 1530—A bill to be entitled An act relating to cosmetology; amending s. 477.0135, F.S.; exempting from cosmetology licensure the provision of certain services to certain persons during a production recognized by the Office of Film and Entertainment; providing that such services are not required to be performed in a licensed salon; prohibiting provision of such services to the general public; exempting from cosmetology licensure the provision of certain services to certain persons in a theme park or entertainment complex; amending s. 477.016, F.S.; authorizing the Board of Cosmetology to adopt by rule certain federal regulations; amending s. 477.0265, F.S.; prohibiting in the practice of cosmetology the use or possession of cosmetic products containing liquid nail monomers containing methyl methacrylate; providing penalties; reenacting s. 477.029(1)(h) and (2), F.S., relating to grounds for administrative penalties, to incorporate the amendment to s. 477.0265, F.S., in a reference thereto; providing administrative penalties; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment which failed:

Amendment 1 (703242)(with title amendment)—On page 1, line 30 through page 2, line 16, delete those lines and insert:

Section 1. Subsections (5), (6), and (7) are added to section 477.0135, Florida Statutes, to read:

477.0135 Exemptions.—

(5) *A license is not required of any individual providing makeup, special effects, or cosmetology services to an actor, stunt person, musician, extra, or other talent during a production recognized by the Office of Film and Entertainment as a qualified production as defined in s. 288.1254(2). Such services are not required to be performed in a licensed salon. Individuals exempt under this subsection may not provide such services to the general public.*

(6) *A license is not required of any individual providing makeup or special effects services in a theme park or entertainment complex to an actor, stunt person, musician, extra, or other talent, or providing makeup or special effects services to the general public for no compensation. The term “theme park or entertainment complex” has the same meaning as in s. 509.013(9).*

(7) *A license is not required of any individual providing makeup, special effects, or cosmetology services to any person for the purpose of that person’s appearing in a still photograph taken for fashion, advertising, or magazine editorial purposes. Such services are not required to be performed in a licensed salon. Individuals exempt under this subsection may not provide such services to the general public.*

And the title is amended as follows:

On page 1, line 13, following the semicolon (;) insert: *exempting from cosmetology licensure the provision of certain services relating to fashion, advertising, or magazine editorial still photography; providing that such services need not be performed in a licensed salon; prohibiting provision of such services to the general public;*

Senator Sebesta moved the following amendment which was adopted:

Amendment 2 (833030)—On page 2, line 14, delete “*for no compensation*”

Pursuant to Rule 4.19, **CS for CS for SB 1530** 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 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.

—was read the second time by title.

Senator Aronberg moved the following amendments which were adopted:

Amendment 1 (325178)—On page 4, delete line 12 and insert: *transfers the image to another person for the purpose of amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person.*

Amendment 2 (081700)—On page 7, lines 14-18, delete those lines and insert: *10. Any photograph, film, or other recorded image, including an image recorded on videotape, a compact disc, digital tape, or fixed disk, that is recorded in violation of s. 810.145 and is possessed for the purpose of amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person.*

Pursuant to Rule 4.19, **CS for CS for SB 284** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 558—A bill to be entitled An act relating to automated telephone answering systems; creating s. 282.108, F.S.; defining terms; requiring state agencies and agents acting on behalf of a state agency to provide during specified hours an option, during the first minute of a call answered by an automated telephone answering system, which permits callers to reach an employee; requiring allocation of at least two phone lines for certain responsibilities; requiring on-hold times to be monitored; providing exceptions for nonoperational hours; providing an exception for the “511” traveler information system; prohibiting a state agency or agent employee from using an automated telephone answering system except under specified circumstances; requiring the State Technology Office to adopt rules that require the submission of annual reports; requiring the State Technology Office to submit annual reports to the Governor and the Legislature; providing that no cause of action arises due to a failure to comply with the act; repealing s. 110.1082, F.S., relating to telephone voice mail systems and telephone menu options; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 558** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Senator Fasano moved the following amendments which were adopted:

Amendment 1 (581868)(with title amendment)—On page 6, lines 13-16, delete those lines and insert:

Section 3. Subsections (3) and (4) are added to section 624.4622, Florida Statutes, to read:

624.4622 Local government self-insurance funds.—

(3) *Notwithstanding subsection (2), a local government self-insurance fund created under this section after October 1, 2004, shall initially be organized as a commercial self-insurance fund under s. 624.462 or a group self-insurance fund under s. 624.4621 and, for the first 5 years of its existence, shall be subject to all the requirements applied to commercial self-insurance funds or to group self-insurance funds, respectively.*

(4)(a) *A local government self-insurance fund formed*

And the title is amended as follows:

On page 1, line 18, after the second semicolon (;) insert: providing that a local government self-insurance fund must initially be organized as a commercial self-insurance fund or a group self-insurance fund and, for a specified period, must comply with the requirements for such a fund;

Amendment 2 (253940)—On page 28, line 1, delete “coverage” and insert: *private passenger automobile insurance or personal lines residential property insurance, including, but not limited to, homeowner’s, mobile home owner’s, condominium unit owner’s, or other insurance covering a personal residential structure,*

MOTION

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

Senator Fasano moved the following amendment which was adopted:

Amendment 3 (454736)(with title amendment)—On page 22, line 18 through page 24, line 9, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 7-9, delete those lines and insert: insurers; amending s.

Pursuant to Rule 4.19, **CS for CS for SB 2038** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 2056—A bill to be entitled An act relating to corporations not for profit; amending s. 617.0505, F.S.; providing exceptions to a prohibition against such corporations paying dividends to members, officers, or directors; authorizing a corporation to make distributions to certain non-profit corporations or governmental entities; providing an effective date.

—was read the second time by title.

The Committee on Commerce, Economic Opportunities, and Consumer Services recommended the following amendment which was moved by Senator Aronberg and failed:

Amendment 1 (314944)(with title amendment)—On page 2, lines 14-26, delete those lines and insert:

(4)(a) *Notwithstanding subsection (1) and s. 617.1401(5), the following corporations may make distributions to a member:*

1. *A corporation that holds a license for an ambulatory surgical center under part I of chapter 395 and a license for a clinical laboratory under part I of chapter 483;*
2. *A corporation that holds a license for an assisted living facility under part III of chapter 400;*
3. *A corporation that holds a license for a hospice under part VI of chapter 400; or*
4. *A corporation that is a health maintenance organization with an active certificate of authority issued under part I of chapter 641.*

(b) *The distributions made by a corporation under this subsection may be made only to the following members:*

1. *A corporation not for profit organized and operated for the same or a substantially similar purpose as the distributing corporation;*
2. *An entity that is organized and operated exclusively for a charitable, benevolent, educational, or similar purpose, or that is otherwise exempt from federal income taxation under s. 501(c) of the Internal Revenue Code; or*
3. *The United States, a state or possession of the United States, or any political subdivision thereof.*

(c) *A distribution made under this subsection may not inure to the benefit of any individual or for-profit entity.*

And the title is amended as follows:

On page 1, line 7, delete “corporation” and insert: specified corporations

Pursuant to Rule 4.19, **SB 2056** was placed on the calendar of Bills on Third Reading.

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 read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (314268)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Clary, by two-thirds vote **HB 1839** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—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	

Nays—None

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 read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (463634)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Clary, by two-thirds vote **HB 1841** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Siplin

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 read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (591266)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Smith, by two-thirds vote **HB 1847** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
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	

Nays—None

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 read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (120244)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Smith, by two-thirds vote **HB 1849** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Lee
Argenziano	Dawson	Lynn
Aronberg	Diaz de la Portilla	Margolis
Atwater	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Saunders
Clary	Jones	Sebesta
Constantine	Klein	Siplin
Cowin	Lawson	Smith

Villalobos	Webster	Wise
Wasserman Schultz	Wilson	
Nays—None		

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 read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (740588)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Crist, by two-thirds vote **HB 1851** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
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	

Nays—None

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 read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (961612)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Smith, by two-thirds vote **HB 1853** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Geller

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 read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (242078)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Clary, by two-thirds vote **HB 1859** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Alexander

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 read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (494776)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Peaden, by two-thirds vote **HB 1863** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
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	

Nays—None

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 read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (813692)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Peaden, by two-thirds vote **HB 1865** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Alexander

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 read the second time by title.

Senator Carlton offered the following amendment which was moved by Senator Fasano and adopted:

Amendment 1 (835416)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Fasano, by two-thirds vote **HB 1867** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Alexander

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 read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (755382)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Clary, by two-thirds vote **HB 1869** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Crist	Lawson
Argenziano	Dawson	Lee
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Bennett	Fasano	Miller
Bullard	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin

Smith	Wasserman Schultz	Wilson
Villalobos	Webster	Wise
Nays—1		
Alexander		

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 read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (693092)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Clary, by two-thirds vote **HB 1871** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	
Nays—3		
Alexander	Argenziano	Dockery

HB 1873—A bill to be entitled An act relating to the Budget Stabilization Fund; amending s. 215.32, F.S.; authorizing prepayments of transfers 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 read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (415044)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Pruitt, by two-thirds vote **HB 1873** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Aronberg	Bennett
Argenziano	Atwater	Bullard

Campbell	Geller	Pruitt
Carlton	Haridopolos	Saunders
Clary	Hill	Sebesta
Constantine	Jones	Siplin
Cowin	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lynn	Wasserman Schultz
Diaz de la Portilla	Margolis	Webster
Dockery	Miller	Wilson
Fasano	Peaden	Wise
Garcia	Posey	
Nays—1		
Alexander		

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 read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (833218)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Crist, by two-thirds vote **HB 1877** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Alexander

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 read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (480284)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Clary, by two-thirds vote **HB 1879** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Alexander

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 read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (394388)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Smith, by two-thirds vote **HB 1881** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Alexander

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 read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (611688)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Clary, by two-thirds vote **HB 1883** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—3

Alexander

Campbell

Siplin

MOTIONS

Senator Lee moved that the Senate request that the House concur in the Senate amendments to **HB 1839, HB 1841, HB 1847, HB 1849, HB 1851, HB 1853, HB 1859, HB 1863, HB 1865, HB 1867, HB 1869, HB 1871, HB 1873, HB 1877, HB 1879, HB 1881** and **HB 1883**; and in the event the House refuses to concur, that these bills be included in the Conference Committee on **HB 1835** (the General Appropriations Act) and **HB 1837** (the Implementing Bill). The motion was adopted.

MOTIONS

On motion by Senator Lee, a deadline of one hour following recess this day was set for filing amendments to Bills on Third Reading to be considered Friday, April 16.

On motion by Senator Lee, the rules were waived to allow the Appropriations Conference Committees to meet until 11:00 p.m. for the duration of the conference.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 15, 2004: SB 2484, CS for SB 1300, SB 2046, CS for SB 1568, CS for CS for CS for SB 1764, CS for CS for SB 1530, CS for CS for SB 284, CS for SB 558, CS for CS for SB 2038, SB 2056, HB 1839, HB 1841, HB 1847, HB 1849, HB 1851, HB 1853, HB 1859, HB 1863, HB 1865, HB 1867, HB 1869, HB 1871, HB 1873, HB 1877, HB 1879, HB 1881, HB 1883

Respectfully submitted,
Tom Lee, Chair

The Committee on Finance and Taxation recommends the following pass: CS for SB 278, SB 2730

The bills were referred to the Appropriations Subcommittee on Transportation and Economic Development under the original reference.

The Committee on Appropriations recommends the following pass: CS for SB 1678

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends the following pass: CS for SB 316, CS for SB 424 with 1 amendment, CS for SB 616, SB 1522, CS for CS for CS for SB 1770

The bills were placed on the calendar.

The Committee on Agriculture recommends a Committee Substitute for the following: CS for SB 1314

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

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1562

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

The Committee on Education recommends committee substitutes for the following: Senate Bills 308, 1780 and 2534, SB 1458

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2994

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 2800, CS for SB 2820

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

The Committee on Health, Aging, and Long-Term Care recommends a committee substitute for the following: SB 1062

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Finance and Taxation recommends a committee substitute for the following: CS for SB 1200

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2246

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.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2932

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2442

The bill with committee substitute attached was referred to the Committee on Finance and Taxation under the original reference.

The Committee on Education recommends a committee substitute for the following: CS for SB 2262

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

The Committee on Banking and Insurance recommends committee substitutes for the following: CS for SB 2150, SB 2454, SB 3024

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

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 2474

The Committee on Education recommends a committee substitute for the following: SB 2614

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2722

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on General Government recommends a committee substitute for the following: CS for SB 2270

The Appropriations Subcommittee on Transportation and Economic Development recommends committee substitutes for the following: CS for SB 1456, CS for CS for SB 1622, CS for SB 2020, CS for SB 2340

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Education; and Senators Margolis, Villalobos, Campbell and Bullard—

CS for SB's 308, 1780 and 2534—A bill to be entitled An act relating to public school instruction for grades K through 12; providing a short title; requiring the Department of Education to conduct a study on physical education in public schools; requiring a report to the Governor and the Legislature; requiring the Department of Education to develop a physical fitness assessment instrument and support materials for fitness assessment programs; amending s. 1001.42, F.S.; requiring district school boards to address student health and fitness in school improvement plans; requiring district school boards to adopt policies for implementing student health and fitness standards; creating s. 1003.455, F.S.; requiring district school boards to develop physical education programs; requiring district school boards to adopt written physical education policies; requiring that the policies be provided to the Department of Education; requiring school districts to implement mandatory physical education under certain circumstances; amending s. 1012.98, F.S.; providing for the development of an Internet-based clearinghouse at a public state university for professional development programs concerning physical education; providing an effective date.

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

CS for CS for SB 316—A bill to be entitled An act relating to substance abuse treatment and intervention; amending s. 39.001, F.S.; providing additional legislative findings and purposes with respect to the treatment of substance abuse; authorizing the court to require certain persons to undergo treatment following adjudication; amending ss. 39.402 and 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment upon a showing of good cause in connection with a shelter hearing or petition for dependency; authorizing sanctions for noncompliance; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or pursuant to a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the court to impose sanctions for noncompliance; amending s. 39.701, F.S.; authorizing the court to extend the time for completing a case plan during judicial review, based upon participation in a treatment-based drug court program; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including postadjudicatory programs as part of treatment-based drug court programs; requiring each judicial circuit to establish a position for a coordinator of the treatment-based drug court program; requiring the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program; providing for membership of the committee; revising provisions with respect to an annual report; amending s. 910.035, F.S.; revising provisions with respect to conditions for the transfer of a case in the drug court treatment program to a county other than that in which the charge arose; amending s. 948.08, F.S.; revising eligibility requirements for participation in pretrial intervention programs; authorizing the court to refer certain defendants who are assessed with a substance abuse problem to a pretrial intervention program with the approval of the state attorney; deleting provisions authorizing advisory committees for the district pretrial intervention programs; amending s. 985.306, F.S.; revising eligibility requirements for participation in delinquency pretrial intervention programs; authorizing the court to refer certain juveniles who are assessed as having a substance abuse problem to a substance abuse education and treatment intervention program; deleting provisions authorizing advisory committees for the district delinquency pretrial intervention program; providing an effective date.

By the Committee on Appropriations; and Senator Constantine—

CS for SB 338—A bill to be entitled An act relating to brownfield loan guarantees; amending s. 376.86, F.S.; revising certain restrictions on investing funds maintained in the Inland Protection Trust Fund; providing a schedule for legislative review of the Brownfield Areas Loan Guarantee Program; providing protection from liability on behalf of the state or a local unit of government for taking corrective action at a contaminated site as a result of involuntary ownership or due to ownership resulting from donation, gift, or foreclosure; providing for a county and the Department of Environmental Protection to agree to investigate and remedy conditions on a site that escheats to the county; providing an effective date.

By the Committees on Appropriations; Regulated Industries; and Senator Bennett—

CS for CS for SB 562—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.517, F.S.; requiring certificateholders and registrants to have continuing education in preventing false alarms; amending s. 489.518, F.S.; revising qualifications for burglar alarm system agents; removing an exemption from training requirements for persons who only perform sales; authorizing employment as an alarm system agent or burglar alarm system agent under supervision for a specified period, pending completion of training and the criminal background check; providing the format, the validity period, and renewal requirements for burglar alarm system agent identification cards; requiring an updated criminal background check of each burglar alarm system agent who renews certification; providing continuing education requirements for burglar alarm system agents; amending

s. 489.5185, F.S.; revising qualifications for fire alarm system agents; requiring an updated criminal background check of each fire alarm system agent who renews certification; requiring fire alarm system agents to have continuing education in preventing false alarms; providing an effective date.

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

CS for SB 1062—A bill to be entitled An act relating to health care facilities; creating s. 400.0712, F.S.; authorizing the Agency for Health Care Administration to issue inactive licenses to nursing homes for all or a portion of their beds under certain circumstances; providing requirements for application for and issuance of such licenses; providing rulemaking authority; amending s. 400.071, F.S.; deleting a provision relating to issuance of inactive licenses, to conform; amending s. 400.021, F.S.; redefining the term “resident care plan,” as used in part II of ch. 400, F.S.; amending s. 400.23, F.S.; providing that certain information from the agency must be promptly updated to reflect the most current agency actions; amending s. 400.211, F.S.; revising inservice training requirements for persons employed as nursing assistants in a nursing home facility; amending s. 408.034, F.S.; requiring the nursing-home-bed-need methodology established by the agency by rule to include a goal of maintaining a specified subdistrict average occupancy rate; amending s. 408.036, F.S., relating to health-care-related projects subject to review for a certificate of need; subjecting certain projects relating to replacement of a nursing home and relocation of nursing home beds to expedited review; revising requirements for certain projects relating to the addition of nursing home beds which are exempt from review; exempting from review certain projects relating to replacement of a licensed nursing home bed on the same site or nearby and consolidation or combination of licensed nursing homes or transfer of beds between licensed nursing homes within the same planning subdistrict; providing rulemaking authority; providing for assessment of exemption-request fees; amending s. 52, ch. 2001-45, Laws of Florida; specifying nonapplication of a moratorium on certificates of need and authorizing approval of certain certificates of need for certain counties under certain circumstances; providing review requirements and bed limitations; amending s. 651.118, F.S.; revising provisions relating to use of sheltered nursing home beds at a continuing care facility by persons who are not residents of the continuing care facility; providing an effective date.

By the Committees on Appropriations; Comprehensive Planning; Natural Resources; and Senator Dockery—

CS for CS for CS for SB 1104—A bill to be entitled An act relating to water resources; amending s. 163.3167, F.S.; requiring local governments to address water supply sources necessary to meet projected water use demand included in comprehensive plans; amending s. 163.3177, F.S.; requiring local governments to update work plans for building water supply facilities to incorporate revised regional water supply plans; providing that amendments to a comprehensive plan to incorporate updated work plans are not included in the limitation on the frequency of adoption of amendments to a comprehensive plan; amending s. 373.116, F.S.; providing that local governments may receive electronic notices of applications for consumptive use permits; creating s. 373.2234, F.S.; authorizing the governing board of a water management district to adopt rules identifying certain preferred water supply sources; providing requirements with respect to such rules; providing construction; amending s. 373.250, F.S.; authorizing water management districts to require the use of reclaimed water in lieu of surface or groundwater when the use of uncommitted reclaimed water is environmentally, economically, and technically feasible; providing construction with respect to such authority; providing legislative findings and intent with regard to landscape irrigation design; requiring water management districts to develop landscape irrigation and xeriscape design standards; providing an effective date.

By the Committees on Finance and Taxation; Transportation; and Senator Sebasta—

CS for CS for SB 1200—A bill to be entitled An act relating to highway and vessel safety; amending s. 316.085, F.S.; prohibiting driving outside of authorized lanes or within pavement markings or traffic control devices except where explicitly permitted; providing exceptions; prohibiting vehicles from entering queues of certain slow-moving traffic; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds; creating s. 316.6131, F.S.; authorizing the department to expend certain funds; amending s. 318.1451, F.S.; conforming provisions to changes made by the act; amending s. 319.29, F.S.; directing the verification of identity for certain title certificates; amending s. 320.01, F.S.; clarifying the definition of the terms “apportionable vehicle” and “commercial motor vehicle”; amending s. 320.05, F.S.; providing that certain motor vehicle and vessel information is available free of charge on the department’s website; amending s. 320.06, F.S.; correcting a cross-reference; amending s. 320.0607, F.S.; directing the verification of identity for certain vehicle license plates and registrations; amending s. 320.0843, F.S.; requiring that an applicant eligible for a disabled parking plate be noted on the certificate; amending s. 320.0848, F.S.; requiring the verification of identity for certain disabled parking permits; amending s. 320.086, F.S.; revising provisions relating to historical license plates; amending s. 320.58, F.S.; authorizing inspectors employed by the department to enforce certain provisions relating to off-highway vehicles and vessels; amending s. 322.025, F.S.; authorizing the department to offer a once-in-a-lifetime opportunity to attend a basic driver improvement course for drivers who meet certain criteria; requiring the department to deduct points from a driver’s record upon proof of completion of the basic driver improvement course; requiring the department to record on the driver’s record that the offer of the improvement course has been accepted and used; providing that this opportunity is not available to any driver who has attended a basic driver improvement course within the previous 12 months; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver’s license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor’s license due to the death of or withdrawal of consent by the person who co-signed the initial application; amending s. 322.20, F.S.; authorizing the department to charge fees for electronic access to specified information; requiring that certain driver’s license information be available free of charge on the department’s website; creating s. 327.375, F.S.; regulating commercial parasailing; amending s. 328.11, F.S.; revising requirements relating to the issuance of a duplicate certificate of title for vessels; providing an effective date.

By the Committees on Appropriations; Comprehensive Planning; Natural Resources; and Senator Constantine—

CS for CS for CS for SB 1214—A bill to be entitled An act relating to the Wekiva Parkway and Protection Act; creating part III of ch. 369, F.S., consisting of ss. 369.314, 369.315, 369.316, 369.317, 369.318, 369.319, 369.320, 369.321, 369.322, 369.323, and 369.324, F.S.; providing legislative intent; providing a legal description of the Wekiva Study Area; defining the Wekiva Parkway; providing guiding principles for the Wekiva Parkway Design Features and Construction; limiting the number of interchanges along the Wekiva Parkway; granting the Department of Transportation certain eminent domain authority for the Wekiva Parkway construction; requiring that certain entities locate the precise corridor and interchanges for the Wekiva Parkway in Seminole County consistent with this act; providing that title of all lands acquired for the Wekiva Parkway shall vest in the State of Florida or the St. Johns River Water Management District; providing that certain lands not needed for the Wekiva Parkway be transferred to the Board of Trustees of the Internal Improvement Trust Fund; requiring certain entities and agencies to cooperate and establish funding responsibilities and partnerships; requiring the Department of Transportation to purchase certain lands subject to a legislative appropriation; requiring certain studies by the Department of Environmental Protection, the Department of Health, the St. Johns River Water Management District, and the Department of Agriculture and Consumer Services; providing for a master stormwater plan; providing for a wastewater facility plan; requiring certain local government comprehensive plan amendments; providing for the coordination of land use and water supply with the Wekiva Study

Area; providing that comprehensive plans and comprehensive plan amendments be reviewed for compliance by the Department of Community Affairs; creating the Wekiva River Basin Commission; amending s. 163.3184, F.S.; amending the definition of “compliance”; providing an effective date.

By the Committees on Agriculture; Commerce, Economic Opportunities, and Consumer Services; and Senator Garcia—

CS for CS for SB 1314—A bill to be entitled An act relating to consumer services; creating a consumer education pilot program within the Department of Agriculture and Consumer Services to educate secondary and postsecondary students about issues concerning consumer protection; providing for the administration, purpose, and methods of implementing the pilot program; requiring a report to the Legislature and recommendations with respect to continuing the pilot program; requiring the Department of Agriculture and Consumer Services to prepare a report and submit recommendations to the Governor and Legislature concerning the state’s “no sales solicitation calls” listing; prescribing items to be included as part of the report; amending s. 501.059, F.S.; redefining the term “telephonic sales call” to provide that the term applies to sales of goods or services; redefining the term “consumer goods or services” to remove the term “consumer” and include property used for business purposes; redefining the term “unsolicited telephonic sales call” to replace the word person with consumer; redefining the term “consumer” to reflect the statutory definition of person; redefining the term “merchant” to include the offering of goods and services; requiring a telephone solicitor to identify himself or herself when calling a business; adding a business to those who may subscribe to the “no sales solicitation calls” listing of the Department of Agriculture and Consumer Services; adding “business” to those who may not be called if listed in the department’s published quarterly listing; adding “business” to those whose numbers must be screened out if the number is on the department’s “no sales solicitation calls” listing and a telephone solicitor or person intends to sell consumer information containing that number; amending s. 501.143, F.S.; authorizing increased administrative fines and civil penalties for certain violations under the Dance Studio Act against a senior citizen or handicapped person; amending s. 525.09, F.S.; revising reporting requirements related to remittance of petroleum fuel inspection taxes; amending s. 539.001, F.S.; authorizing increased administrative fines and civil penalties for violations under the Florida Pawnbroking Act against a senior citizen or handicapped person; amending s. 559.801, F.S.; redefining the term “business opportunity” for the purposes of regulating the sale or lease of business opportunities; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.921, F.S.; authorizing increased administrative fines and civil penalties for certain violations by a motor vehicle repair shop against a senior citizen or handicapped person; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; amending s. 559.934, F.S.; specifying that violations of the Florida Sellers of Travel Act are violations of the Florida Deceptive and Unfair Trade Practices Act; amending s. 570.544, F.S.; requiring the Division of Consumer Services of the Department of Agriculture and Consumer Services to report and offer recommendations to the Commissioner of Agriculture for submission to the Legislature relating to consumer complaints against businesses not regulated by certain state agencies; amending s. 616.242, F.S.; revising conditions under which an amusement ride must be inspected by the Department of Agriculture and Consumer Services; revising schedules for such inspections; amending s. 817.568, F.S.; including a deceased individual within the definition of the term “individual” for purposes of provisions prohibiting the unlawful use of personal identification information; prescribing criminal offenses and providing penalties for using personal information of a deceased individual without permission; including the estate of an individual within the definition of the term “victim” for purposes of court-ordered restitution; conforming changes relating to the location where consent to use personal information is given; conforming changes relating to venue for prosecutions and trials governing criminal use of personal identification information; amending s. 849.094, F.S.; redefining the term “operator” for purposes of the regulation of game promotions; increasing certain filing fees for operators of game promotions; revising notice requirements and filing deadlines for game promotions; revising a requirement that game rules and regulations be published in advertising copy to require publication of the material terms of such rules and regulations; reenacting s. 921.0022(3)(d), (e), (h), and (i), F.S.,

relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendment to s. 817.568, F.S., in references thereto; prohibiting the marketing and distribution of health-related discount cards under certain conditions; requiring a person who markets or distributes such cards to register with the Department of Financial Services; providing an annual registration fee; requiring designation of an agent for service of process; providing for service of process with the Secretary of State; providing criminal penalties and other remedies; authorizing the Department of Financial Services to adopt rules; providing appropriations; authorizing full-time-equivalent positions within the Department of Agriculture and Consumer Services; providing effective dates.

By the Committees on Appropriations; Finance and Taxation; Criminal Justice; Health, Aging, and Long-Term Care; and Senator Saunders—

CS for CS for CS for CS for SB 1372—A bill to be entitled An act relating to pharmacy; amending s. 465.003, F.S.; defining the term “Internet pharmacy”; amending s. 465.0156, F.S.; exempting Internet pharmacies from registration requirements applicable to nonresident pharmacies; requiring the registered nonresident pharmacy and the pharmacist designated by that pharmacy to serve as the prescription department manager or its equivalent to be licensed in the state of location; amending s. 465.016, F.S.; providing for disciplinary action for dispensing a medicinal drug when the pharmacist knows or has reason to believe the prescription is not based on a valid practitioner-patient relationship; creating s. 465.0161, F.S.; prohibiting the distribution of medicinal drugs by an Internet pharmacy without a permit; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits, to conform; creating s. 465.0197, F.S.; requiring Internet pharmacies to be permitted and providing requirements therefor; requiring the Internet pharmacy and the pharmacist designated by that pharmacy to serve as the prescription department manager or its equivalent to be licensed in the state of location; amending s. 465.023, F.S.; providing an additional ground for which the Board of Pharmacy may take action against a permitted pharmacy; amending s. 465.0255, F.S.; revising requirements for pharmacists to deliver specified disclosures to purchasers when dispensing a medicinal drug; amending s. 465.026, F.S.; creating an exception to the requirements for filling or refilling a transferred prescription for a medicinal drug listed in Schedule II under ch. 893, F.S.; amending s. 499.0121, F.S.; providing recordkeeping requirements relating to the storage and handling of prescription drugs which certain affiliated groups must fulfill; amending s. 895.02, F.S.; including violation of s. 465.0161, F.S., in the definition of the term “racketeering activity” for prosecution under ch. 895, F.S.; providing an appropriation and authorizing positions; providing an effective date.

By the Committee on Education; and Senators Wasserman Schultz and Bullard—

CS for SB 1458—A bill to be entitled An act relating to the Florida Virtual School; amending s. 1002.37, F.S., relating to the Florida Virtual School; authorizing the board of trustees of the Florida Virtual School to enter into franchise agreements with Florida-based virtual schools that are accredited by the Southern Association of Colleges and Schools; defining the term “Florida-based”; requiring the board of trustees to establish the terms and conditions governing franchise agreements if the board enters into franchise agreements with a Florida district school board or an accredited Florida-based virtual school; establishing requirements for the board of trustees for establishing performance and accountability measures and reporting the performance of franchises to the Commissioner of Education; authorizing certain accredited and approved Florida-based virtual schools to count full-time equivalent students; prohibiting accredited and approved Florida-based virtual schools from charging parents of a student a fee if the student received services and was counted as a full-time student by the Florida-based virtual school; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Home Defense, Public Security, and Ports; and Senator Dockery—

CS for CS for SB 1562—A bill to be entitled An act relating to the Florida Institute for Nuclear Detection and Security; creating s. 1004.63, F.S.; creating the Florida Institute for Nuclear Detection and Security at the Department of Nuclear Engineering and Radiological Sciences at the University of Florida; specifying the purpose of the institute; authorizing the institute to accept funds and grant allocations; providing for the appointment of a board of advisors; providing an effective date.

By the Committees on Appropriations; Health, Aging, and Long-Term Care; Education; Military and Veterans’ Affairs, Base Protection, and Spaceports; and Senators Fasano, Clary, Crist, Siplin, Lynn, Wasserman Schultz, Haridopolos, Miller and Bullard—

CS for CS for CS for SB 1622—A bill to be entitled An act relating to military families; amending s. 295.01, F.S.; revising certain requirements relating to scholarships for children of deceased veterans; amending s. 445.007, F.S.; providing for the appointment of a military representative to certain regional workforce boards; amending s. 464.009, F.S.; removing a scheduled repeal of provisions; providing for licensure by endorsement of certain nurses licensed in another state that is a member of the Nurse Licensure Compact; amending s. 464.022, F.S.; providing that certain nurses relocating to this state may perform nursing services for a period of 120 days after submitting application for licensure; amending s. 1002.39, F.S.; revising eligibility requirements for military dependents applying for a John M. McKay Scholarship; requiring the State Board of Education to adopt rules; amending s. 1003.05, F.S.; directing the Department of Education to assist in the development of memoranda of agreement between school districts and military installations; providing that qualifying military dependents receive priority admission to certain special academic programs; creating s. 1008.221, F.S.; providing for alternate assessments for the grade 10 FCAT for certain military dependents; amending s. 1009.21, F.S.; classifying dependents of active duty members of the armed forces and certain liaison officers and their spouses and dependent children as residents for tuition purposes; directing Workforce Florida, Inc., to establish an employment advocacy and assistance program targeting military spouses and dependents; directing the Florida Housing Finance Corporation to assess the housing needs of Florida’s military families; requiring a report; providing an effective date.

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

CS for CS for CS for SB 1706—A bill to be entitled An act relating to specialty behavioral health care providers; amending s. 394.4574, F.S.; requiring the Department of Children and Family Services to establish a demonstration project in district 4 in order to determine the benefits of developing a specialty behavioral health care provider to deliver behavioral health services to persons who reside in an assisted living facility that holds a limited mental health license; requiring the department to create an advisory committee; defining the term “specialty behavioral health provider”; providing the requirements for the specialty behavioral health care provider demonstration project; providing that certain specialty behavioral health care providers may seek and develop cooperative agreements with administrators of certain assisted living facilities; requiring the Agency for Health Care Administration to seek federal waivers to implement an alternative prepaid behavioral health care plan under certain conditions; requiring the department to implement the demonstration project and the advisory committee to complete work by a specific date; providing for an independent evaluation; requiring that a report be submitted to the Legislature; providing an effective date.

By the Committees on Appropriations; Agriculture; and Senators Argenziano, Jones, Smith, Miller, Dockery, Alexander, Peaden and Campbell—

CS for CS for SB 1712—A bill to be entitled An act relating to agricultural economic development; creating s. 70.005, F.S.; providing a

cause of action for landowners aggrieved by certain changes to agricultural land use; amending s. 163.2514, F.S.; defining the term "agricultural enclave"; amending s. 163.2517, F.S.; providing for amendment to a local government comprehensive plan for an agricultural enclave; creating s. 259.047, F.S.; providing requirements relating to purchase of lands for which an agricultural lease exists; 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 for recognition that alternative water source options for agricultural self-suppliers are limited; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option for a consumptive use permit; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural related exemptions; providing an effective date.

By the Committees on Appropriations; Judiciary; Health, Aging, and Long-Term Care; and Senators Jones and Lynn—

CS for CS for CS for SB 1748—A bill to be entitled An act relating to multiservice senior centers; amending s. 430.203, F.S.; amending a definition; amending s. 403.206, F.S.; encouraging each multiservice senior center to have a functioning automated external defibrillator; requiring training, maintenance, and location registration; providing immunity from liability under the Good Samaritan Act and the Cardiac Arrest Survival Act; authorizing the Department of Elderly Affairs to adopt rules; requiring the department to arrange for purchase of such defibrillators; requiring certain entities to reimburse the department for purchased defibrillators under certain circumstances; providing criteria for distribution of such defibrillators; providing an appropriation; providing an effective date.

By the Committees on Appropriations; Transportation; and Senator Clary—

CS for CS for SB 2020—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Save Our Seas license plate; creating the Aquaculture license plate; creating a Family First license plate; creating a Sportsmen's National Land Trust license plate; creating the Live the Dream license plate; creating a Florida Food Banks license plate; creating a Discover Florida's Oceans license plate; creating the Family Values license plate; creating the Parents Make A Difference license plate; creating the Support Soccer license plate; creating a Kids Deserve Justice license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

By the Committees on Appropriations; Children and Families; and Senators Lynn, Wilson, Campbell, Peaden and Wasserman Schultz—

CS for CS for SB 2042—A bill to be entitled An act relating to suicide prevention; creating s. 397.3335, F.S.; creating the Statewide Office for Suicide Prevention in the Office of Drug Control; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office; specifying the education and experience requirements for the position of coordinator; detailing the duties and responsibilities of the coordinator; creating s. 397.3336, F.S.; creating the Suicide Prevention Coordinating Council within the Office of Drug Control; providing the scope of activities for the coordinating council; creating an interagency workgroup for state agencies within the coordinating council in order to coordinate state agency plans for suicide prevention; authorizing the coordinating council to assemble an ad hoc committee to advise the coordinating council; providing for membership on the coordinating council; authorizing the coordinating council to seek and accept grants or funds from any source to support its operation; providing an effective date.

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

CS for CS for SB 2150—A bill to be entitled An act relating to moving services; amending s. 507.03, F.S.; revising mover registration requirements; providing for proof of bond or certificate of deposit in lieu of proof of insurance coverage; amending s. 507.04, F.S.; revising requirement to maintain cargo legal liability coverage; providing for bond or certificate of deposit in lieu of insurance coverage for a mover operating a certain number of vehicles; limiting use of such bond or certificate of deposit to claims adjudicated by the Department of Agriculture and Consumer Services; providing that aggregate payout by the department for all claims shall not exceed amount of the bond or certificate of deposit; providing an effective date.

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senator Jones—

CS for CS for SB 2216—A bill to be entitled An act relating to public health care; amending s. 381.0012, F.S.; expanding the environmental health enforcement authority of the Department of Health; authorizing the department to issue citations or order payment of fines; providing requirements and limitations; providing a criminal penalty; providing for deposit and use of fines; amending s. 381.004, F.S.; providing additional criteria for release of HIV preliminary test results; amending s. 381.0065, F.S.; modifying standards for rulemaking applicable to regulation of onsite sewage treatment and disposal systems; revising research award qualifications; providing for an extended right of entry; amending s. 381.0101, F.S.; revising definitions; revising environmental health professional certification requirements; clarifying exemptions; creating s. 381.104, F.S.; creating an employee health and wellness program; providing requirements; authorizing state agencies to undertake certain activities relating to agency resources for program purposes; requiring each participating agency to make an annual report; providing duties of the department; amending s. 384.25, F.S.; revising reporting requirements for sexually transmissible diseases; authorizing the department to adopt rules; amending s. 384.31, F.S.; revising sexually transmissible disease testing requirements for pregnant women; providing notice requirements; creating s. 385.104, F.S.; establishing the Health Promotion and Health Education Statewide Initiative for certain purposes; providing requirements; authorizing the department to award funding to county health departments for certain purposes; providing funding requirements; providing participation requirements for county health departments; amending s. 945.601, F.S.; revising a cross-reference, to conform; creating s. 945.6038, F.S.; authorizing the State of Florida Correctional Medical Authority to enter into agreements with other state agencies to provide additional medical services; providing a limitation; amending s. 381.005, F.S.; requiring hospitals licensed under ch. 395, F.S., to implement a program offering immunizations against the influenza virus and pneumococcal bacteria to all patients who have attained a specified age; providing an effective date.

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

CS for SB 2246—A bill to be entitled An act relating to preserving Florida's history; amending s. 267.031, F.S.; providing additional responsibilities of the Division of Historical Resources of the Department of State relating to preserving archaeological sites and artifacts; authorizing the division to enter into a memorandum of agreement with the University of West Florida for purposes of a network of regional public archaeology centers; amending s. 267.14, F.S.; providing additional legislative intent relating to local archaeology; creating s. 267.145, F.S.; requiring the Department of State to create a network of public archaeology centers for certain purposes; requiring administration of the network through a center at the University of West Florida; providing for establishing additional centers; creating s. 267.174, F.S.; providing a popular name; creating the Discovery of Florida Quincentennial Commemoration Commission within the Department of State for certain purposes; providing for commission membership; providing for terms of members; providing for successor appointment; providing for election of officers; requiring the commission to adopt bylaws; providing for commission meetings; specifying serving without compensation; providing for per diem and travel expenses; requiring the commission to develop

a master plan for certain purposes; requiring a timetable and budget for the plan; requiring a report to the Governor and Legislature; providing responsibilities of the department; authorizing the appointment of subcommittees; requiring the Secretary of State to appoint an advisory committee composed of all former living Governors of the state; requiring the commission to provide advice and assistance to the Department of State regarding master plan implementation and activities of a citizen support organization; specifying the appointment of two subcommittees; providing compensation only for per diem and travel expenses; requiring the Department of State to provide administrative support and consulting services subject to an appropriation; authorizing the Department of State to enter into contracts or accept loans or grants for money, property, or personal services to implement requirements; providing for assumption of other functions to carry out provisions; providing for the establishment of a citizen support organization for certain purposes; authorizing the organization to receive moneys for certain purposes; authorizing the Secretary of State to adopt a master plan; providing for legislative budget requests; providing for a term of existence of the commission and the citizen support organization; providing for transfer of documents and remaining assets of the commission and citizen support organization upon termination; providing an effective date.

By the Committees on Education; Children and Families; and Senators Smith, Cowin and Wise—

CS for CS for SB 2262—A bill to be entitled An act relating to the prescription of psychotropic medications to dependent minors; amending s. 743.0645, F.S.; defining the term “psychotropic medication”; creating the Center for Juvenile Psychotropic Studies within the Department of Psychiatry of the College of Medicine of the University of Florida; providing the purpose of the center; providing for the appointment of a director; creating an advisory board; providing for board membership; requiring the center to work with the Department of Children and Family Services, the Department of Juvenile Justice, the Agency for Health Care Administration, and the Department of Health; requiring certain data relating to dependent minors for whom psychotropic medications have been prescribed to be made available to the center, as legally allowed; requiring the center to report to legislative leaders by a specified date; providing for future repeal; amending s. 39.401, F.S.; providing that the refusal of a parent, legal guardian, or other person responsible for a child’s welfare to administer or consent to the administration of a psychotropic medication does not by itself constitute grounds for taking the child into custody; providing an exception; creating s. 402.3127, F.S.; prohibiting the unauthorized administration of medication by personnel associated with child care entities; providing an exception for emergency medical conditions when the child’s parent or legal guardian is unavailable; defining the term “emergency medical condition”; providing penalties for violations; amending s. 1006.062, F.S.; requiring district school boards to adopt rules prohibiting district school board personnel from recommending the use of psychotropic medications for any student; allowing such personnel to recommend that a medical practitioner evaluate a student and to consult with such practitioners; providing an effective date.

By the Committees on Appropriations; and Banking and Insurance—

CS for CS for SB 2270—A bill to be entitled An act relating to workers’ compensation; amending s. 627.311, F.S.; establishing three tiers of employers eligible for coverage under the plan; providing for criteria and rates for each tier; deleting references to subplans; providing for assessments to cover deficits in tiers one and two; providing procedures to collect the assessment; exempting the plan from specified premium tax and assessments; appropriating moneys from the Workers’ Compensation Administration Trust Fund to fund plan deficits; providing transitional provisions to subplan “D” policies; providing legislative intent to create a state workers’ compensation mutual fund under certain conditions; establishing the Workers’ Compensation Insurance Market Evaluation Committee; providing for appointment of members; requiring the committee to monitor and report; requiring the Office of Insurance Regulation and workers’ compensation insurers to report certain information; specifying meeting dates and interim reports for the committee; providing for reimbursement for travel and per diem; providing legislative intent as to the type of mutual fund it intends to create; prohibiting insurers from providing coverage to any person who is an

affiliated person of a person who is delinquent in the payment of premiums, assessments, penalties, or surcharges owed to the plan; providing effective dates.

By the Committees on Appropriations; Governmental Oversight and Productivity; and Senator Bennett—

CS for CS for SB 2340—A bill to be entitled An act relating to administrative procedure; amending s. 120.55, F.S.; requiring forms incorporated by reference to display specified information; requiring electronic publication of the Florida Administrative Weekly on an Internet website managed by the Department of State; prescribing content and website search requirements; providing for free public access to such website; providing guidelines for publishing, revising guidelines for distributing, and specifying the funding source for the print version of the Florida Administrative Weekly; amending s. 120.551, F.S.; postponing the repeal of such section; providing for training courses for agencies currently publishing materials in the Florida Administrative Weekly; providing effective dates.

By the Committee on Banking and Insurance; and Senators Margolis and Diaz de la Portilla—

CS for SB 2442—A bill to be entitled An act relating to life insurance and annuity contracts; amending s. 624.402, F.S.; providing that a certificate of authority is not required for certain life insurance policies or annuity contracts issued by an insurer domiciled outside the United States and covering only persons who are not residents of the United States; requiring that the Office of Insurance Regulation determine that the insurer meets certain requirements; requiring the insurer to disclose certain information; providing for the office to determine when the insurer is no longer eligible for the exemption; providing an exemption from certain taxes; providing for disclosure; requiring designated insurance policies and annuity contracts to be subject to the provisions of ch. 896, F.S.; amending s. 627.404, F.S.; defining the term “charitable organization” for purposes of determining entities that are eligible to purchase life insurance on an insured; providing effective dates.

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

CS for SB 2454—A bill to be entitled An act relating to the automobile insurance joint underwriting plan; 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; providing an effective date.

By the Committees on Criminal Justice; Regulated Industries; and Senator Haridopolos—

CS for CS for SB 2474—A bill to be entitled An act relating to legal gambling; amending s. 550.002, F.S.; redefining the term “full schedule of live racing or games”; amending s. 550.01215, F.S.; deleting the requirement for a thoroughbred permitholder to include on a license application the dates and periods for receiving or rebroadcasting out-of-state races or conducting performances; deleting the conversion of a jai alai permit to a greyhound permit; amending s. 550.054, F.S.; authorizing the Division of Pari-mutuel Wagering to consider an application for a permit within a certain distance from an existing pari-mutuel facility with the consent of all active permitholders within the county in which the new permit is to be located; amending s. 550.0951, F.S.; recognizing that pari-mutuel permitholders are highly regulated and taxed for the public welfare and safety; requiring horserace and greyhound permitholders, but not jai alai permitholders, to pay a daily license fee on simulcast races; deleting the tax exemption and the admission tax; revising the tax on handle; requiring jai alai permitholders to pay an annual license fee in lieu of other fees or taxes; requiring a jai alai permitholder to remit a monthly report to the division; requiring a greyhound or horserace permitholder to pay the difference between aggregate taxes and daily license fees under certain conditions; deleting the breaks tax regarding jai alai performances; revising the requirements for payment

and disposition of fees and taxes; amending s. 550.09514, F.S.; deleting tax on handle regarding wagering on live greyhound racing; amending s. 550.2625, F.S.; requiring thoroughbred permitholders to withhold a certain amount of money from the handle under certain conditions; requiring a horseracing permitholder to pay a certain sum for payment of special racing awards for any thoroughbred race, including receipt of a broadcast of such race; amending ss. 550.26352, 550.2704, F.S.; conforming provisions to changes made by the act; amending s. 550.3551, F.S.; requiring a licensed thoroughbred permitholder to consent to the receipt of broadcasts of horse races conducted live at its facility along with compliance with the Interstate Horseracing Act of 1978; authorizing a licensed thoroughbred permitholder to offer wagering at its pari-mutuel facility on broadcasts of horseraces conducted at other horse racetracks located outside this state; providing for a percentage of the handle to be paid monthly on wagers of such races; requiring certain thoroughbred permitholders who offer wagering on certain broadcast horseraces to pay a certain percentage of the net proceeds into its purse account; amending s. 550.475, F.S.; authorizing the operator of a licensed racetrack to lease such track to any quarter horse racing permitholder for the conduct of quarter horse racing; amending s. 550.615, F.S.; prohibiting a harness permitholder from accepting intertrack wagers from certain other permitholders within a certain mile radius; authorizing a permitholder to engage in intertrack wagering with an affiliated licensed permitholder under common ownership; amending s. 550.6305, F.S.; providing an exception where certain guest tracks are entitled to a certain percentage of the total contributions to the pari-mutuel pool on wagers accepted; deleting purse payment for a guest horserace permitholder that accepts wagers during its current race meet; deleting purse payments for a guest thoroughbred permitholder accepting intertrack wagers and its host thoroughbred permitholder; revising the percentage of the net proceeds for wagers on rebroadcasts of out-of-state thoroughbred horse races from certain in-state thoroughbred permitholder; requiring licensed horserace permitholders to schedule a certain number of races per racing day; requiring written conditions for such races; authorizing a quarter horse racing permitholder to substitute other races of other breeds of horses in a certain percentage of races daily; permitting the racing of Arabian horses exclusively in an additional race per racing day; authorizing certain owners of a quarter horse permit to convert it to one for the conduct of thoroughbred racing under certain conditions; creating s. 550.09516, F.S.; providing legislative findings; providing an annual fee for a dormant permit; providing for revocation of a permit; repealing s. 550.0745, F.S., relating to the conversion of a pari-mutuel permit to a summer jai alai permit; repealing s. 550.09511, F.S., relating to taxes on wagering on live jai alai performances; repealing s. 550.09512, relating to tax on handle for live harness horse performances; repealing s. 550.09515, F.S., relating to the tax on handle for live thoroughbred horserace performances; repealing s. 550.1625, F.S., relating to the payment of certain taxes and the daily license fee for dogracing; repealing s. 550.3355, F.S., relating to harness track licenses for summer quarter horse racing; repealing s. 550.334, F.S., relating to requirements for obtaining a permit to conduct quarter horse racing and authorization of a permitholder to substitute other races of other breeds of horses; repealing s. 550.375, F.S., relating to the operation of certain harness tracks; repealing s. 550.5251, F.S., relating to Florida thoroughbred racing; repealing s. 550.71, F.S., relating to the nonseverability of chapter 96-364, Laws of Florida, regarding pari-mutuel wagering; excusing certain thoroughbred permitholders who failed to operate all performances during certain time periods from discipline; amending s. 849.161, F.S.; excluding certain amusement games or machines from application of ch. 849, F.S.; providing requirements for an application for a license to operate an arcade amusement center; prohibiting gambling devices from arcade amusement centers; creating s. 849.1615, F.S.; providing an exception for amusement games or machines located at truck stops; amending s. 849.085, F.S.; exempting the conduct of penny-ante games in described facilities from a prohibition against soliciting participants through advertising; providing an effective date.

By the Committee on Education; and Senator Diaz de la Portilla—

CS for SB 2614—A bill to be entitled An act relating to charter travel to terrorist states; creating s. 288.857, F.S.; providing a short title; providing legislative intent; providing definitions; providing for the levy of a security assessment of charter transportation for trips originating in this state and arriving in an identified terrorist state; providing for the rate of the assessment; providing requirements and procedures with

respect thereto; requiring any university or community college within the State University System or the Florida Community College System that organizes or directs the organization of a cultural or educational trip utilizing charter transportation to any terrorist state to provide the Department of Education with specified information; specifying exemptions to the act; providing for the adoption of rules; providing the adoption of emergency rules; providing for length of effectiveness of such rules; requiring assessment to be accompanied by form prescribed by the Department of Revenue; providing severability; providing an effective date.

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

CS for SB 2722—A bill to be entitled An act relating to the leasing and sale of real property by state agencies; amending s. 255.248, F.S.; creating and revising definitions; providing exceptions; amending s. 255.249, F.S.; removing a requirement; providing that the Department of Management Services, rather than agencies acting on their own behalf, can lease space for agencies; providing that the department may retain a real estate broker; providing requirements for real estate broker services and for leases negotiated by a broker; providing for review by the Legislative Budget Commission; providing exceptions; authorizing the department to assign an agency to space vacated by another agency; providing conditions under which an agency may reject a proposed move; providing for competitive solicitation of leases; providing procedures; providing exceptions; providing conditions for space allocation; requiring adoption of a quality standard; requiring an annual report for department's enterprise plan; amending s. 255.25, F.S.; removing a requirement that the department act as a mediator; authorizing the department to participate in large-scale leases; changing the requirement for competitive bidding for leases of real property for agencies to a requirement for competitive solicitation; specifying requirements for extension of a lease; increasing the bond requirement for protests of a lease solicitation; removing requirements for review by the State Fire Marshal; removing requirements for a flood plain analysis; removing an exception regarding specialized educational facilities; amending s. 255.25001, F.S.; changing competitive bidding to competitive solicitation; amending s. 255.2501, F.S.; providing criteria for leasing space financed by local government obligations; amending s. 255.45, F.S.; requiring the department to submit building plans to the State Fire Marshal for a fire safety review; requiring the department to review building plans for compliance with flood plain management; reenacting s. 633.085(1)(b), F.S., relating to fire safety in state office buildings, to incorporate the amendment to s. 255.45, F.S., in a reference thereto; repealing s. 270.27, F.S., relating to the sale of unused public lands; providing for the future repeal of s. 255.249(2)(b), F.S., relating to authorization for the department to contract for certain real estate broker services; providing an effective date.

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

CS for CS for SB 2800—A bill to be entitled An act relating to insurance agents and agencies; amending s. 624.318, F.S.; authorizing the Department of Financial Services and the Office of Insurance Regulation to scan or photocopy records, accounts, documents, files, or other materials under specified circumstances; amending s. 624.501, F.S.; clarifying a license fee; amending s. 626.015, F.S.; defining the term "personal lines agent"; amending s. 626.016, F.S.; subjecting insurance agencies to regulation by the Chief Financial Officer; amending s. 626.022, F.S.; providing for application; amending s. 626.112, F.S.; delaying the effective date by which agencies must obtain a license; providing that an agency may file for registration in lieu of licensure, under specified conditions; imposing a fine on any agency that fails to timely apply for licensure or registration; amending s. 626.171, F.S.; specifying licensure and registration application requirements for insurance entities other than insurance agencies; deleting a provision applying to insurance agencies; amending s. 626.172, F.S.; revising insurance agency licensure application requirements; amending s. 626.191, F.S.; clarifying repeated application provisions; amending s. 626.201, F.S.; clarifying a department-authorized interrogatories provision; amending s. 626.221, F.S.; deleting provisions that permit certain persons who previously qualified as managing general agents, service or customer

representatives, or all-lines adjusters to be licensed as general lines agents without an examination; providing for certain adjusters to be relicensed without examination; amending s. 626.241, F.S.; limiting the scope of personal lines agent examinations; amending s. 626.2815, F.S.; revising continuing education requirements; amending s. 626.311, F.S.; limiting the types of business that may be transacted by personal lines agents; amending s. 626.342, F.S.; including insurance agencies under provisions prohibiting furnishing supplies to certain unlicensed agents and imposing civil liability under certain circumstances; amending s. 626.382, F.S.; requiring licensure renewal application forms to be adopted; amending s. 626.451, F.S.; clarifying the effect of appointment; amending s. 626.536, F.S.; including insurance agencies under an action-reporting requirement; amending s. 626.561, F.S.; including insurance agencies under provisions providing funds reporting and accounting requirements and imposing criminal penalties; amending s. 626.572, F.S.; including insurance agencies under provisions prohibiting rebating; amending s. 626.601, F.S.; including insurance agencies under provisions authorizing the department to inquire into improper conduct; creating s. 626.602, F.S.; authorizing the Department of Financial Services to disapprove the use of certain names under certain circumstances; amending s. 626.6115, F.S.; providing an additional ground for the department to take compulsory adverse insurance agency license actions; providing that grounds for adverse action against a licensed agency do not necessarily constitute grounds for adverse action against another licensed agency, even if there is common ownership; amending s. 626.6215, F.S.; providing an additional ground for the department to take discretionary adverse insurance agency license actions; providing that grounds for adverse action against a licensed agency do not necessarily constitute grounds for adverse action against another licensed agency, even if there is common ownership; amending s. 626.641, F.S.; providing additional criteria for duration of license suspensions or revocations; amending s. 626.727, F.S.; providing that certain provisions apply to personal lines agents; amending s. 626.732, F.S.; revising certain education and experience requirements for personal lines agents; amending s. 626.7351, F.S.; providing an age requirement for customer representatives; amending ss. 626.292 and 626.321, F.S.; correcting cross-references; revising criteria for issuing an agent's license for limited classes of business relating to insurance sales incidental to the rental or lease of motor vehicles; providing additional license application requirements; amending s. 627.351, F.S.; providing that specified employees of the Citizens Property Insurance Corporation need not be licensed as agents; providing that this act does not require the department to begin issuing certain licenses by the effective date of the act, under specified conditions; repealing s. 626.592, F.S., relating to primary agents; amending s. 626.747, F.S.; requiring each branch agency to have a licensed general lines agent or life or health agents; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Natural Resources; and Senator Argenziano—

CS for CS for SB 2820—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 20.331, F.S.; reorganizing the commission; granting rights and privileges to the commission; providing responsibilities and duties of the executive director; revising the administrative structure of the commission; providing that the principal unit for program services within the commission shall be a division headed by a director; providing that the principal unit for research services within the commission is the Fish and Wildlife Research Institute; providing that the principal subunit within a division shall be a section headed by a leader; providing that the principal subunit within a section shall be a subsection headed by an administrator; establishing divisions and sections within the commission; providing that the principal unit for administrative and support services shall be the Office of Executive Direction and Administrative Support Services headed by the executive director of the commission; establishing additional offices within the Office of Executive Direction and Administrative Support Services; providing that the head of an office shall be a director; providing an exception; providing position classifications within the state employee system; providing for reallocation of certain duties and functions; providing that additional divisions of the commission may only be created by general law; providing that divisions, offices, and sections created by this act may only be abolished by general law; authorizing the Department of Management Services and the Executive Office of the Governor to establish and approve new sections, subsections, and offices as initiated by the commission; assigning duties and

responsibilities to the divisions; providing powers, duties, responsibilities, and functions of the Boating and Waterways Section; providing for adequate due process procedures; establishing statutory duties of the commission; authorizing the commission to provide comments to permitting agencies; authorizing the commission to acquire lands in the name of the state for certain purposes; providing for employee bonds at the request of the commission; amending s. 20.2551, F.S.; deleting provisions authorizing grants from the Florida Marine Research Institute to citizen support organizations within the Department of Environmental Protection; amending ss. 370.0603, 370.06091, 370.06093, 372.0215, 372.5701, 372.5702, and 403.0882, F.S.; conforming provisions to changes made by the act; amending s. 370.06092, F.S.; deleting obsolete provisions; conforming provisions to changes made by the act; amending s. 372.0222, F.S.; requiring the commission to publish the Florida Wildlife Magazine; creating the Florida Wildlife Magazine Advisory Council; requiring the council to make recommendations to the commission regarding magazine publication; providing for qualifications of members, appointment of members, terms of office, administrative support, and reimbursement for travel expenses; amending s. 372.0225, F.S.; revising requirements for the regulation of the promotion, marketing, and quality control of freshwater organisms; repealing s. 370.021(11), F.S., relating to employee bond requirements; repealing s. 370.16(2) and (5), F.S., relating to noncultured shellfish harvesting; repealing s. 370.172(4), F.S., relating to spearfishing; repealing s. 370.083, F.S., relating to special acts; repealing s. 370.162, F.S., relating to the purchase of sponges; repealing s. 372.051, F.S., relating to the seal of the commission; repealing s. 372.9906, F.S., relating to the Wildlife Law Enforcement Program; repealing subsection (3) of section 5 of chapter 99-245, Laws of Florida, relating to the Florida Marine Research Institute; providing an appropriation to the commission from the State Game Trust Fund to fund publication of the Florida Wildlife Magazine; providing an effective date.

By the Committees on Appropriations; Agriculture; and Senator Argenziano—

CS for CS for SB 2822—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6106, F.S.; increasing the minimum age required for certain licensees; amending s. 493.6110, F.S.; revising agency insurance requirements and limiting such requirements to security agencies; amending s. 493.6113, F.S., relating to licensure renewal; conforming a provision requiring certification of insurance coverage; requiring certain licensees to complete specified continuing education that includes terrorism awareness; requiring the Department of Agriculture and Consumer Services to establish by rule criteria for the approval of continuing education courses and providers and the form for certificates of completion; amending s. 493.6118, F.S.; conforming a ground for disciplinary action relating to failure to maintain required insurance coverage, for which there are penalties; amending s. 493.6202, F.S.; providing examination fees for private investigators and private investigator interns; amending s. 493.6203, F.S.; requiring passage of an examination for licensure as a private investigator; providing exemption for certain licensees; requiring reexamination for relicensure under certain circumstances; requiring successful completion of certain coursework and passage of an examination for licensure as a private investigator intern; requiring the department to establish by rule the general content and the form for certificates of completion of such training and criteria for the examination; requiring reexamination for relicensure under certain circumstances; providing an effective date.

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

CS for SB 2932—A bill to be entitled An act relating to governmental procurement; amending s. 255.0515, F.S.; requiring solicitations for specified state and political subdivision construction projects to require a listing of subcontractors; providing that section applies to proposals; amending s. 255.0525, F.S.; providing for the electronic advertisement of state and political subdivision construction project solicitations; amending s. 283.425, F.S.; revising limitation on liquidated damages for defective printing; amending s. 287.012, F.S.; revising definitions; amending s. 287.025, F.S.; deleting certain items for which a primary contract of insurance is prohibited; amending s. 287.042, F.S.; revising the powers and duties of the Department of Management Services relating to the purchase of commodities and contractual services for the state;

revising listing requirements for products offered by corporation operating the correctional industry program and a nonprofit agency for persons with disabilities; authorizing department to approve purchases from contracts let by political subdivisions in any state; repealing s. 287.045(11), F.S.; deleting a requirement that agencies report on expenditures and use of recycled materials; amending s. 287.056, F.S.; authorizing the department to adopt rules that exempt agencies from purchasing agreements and state term contracts; repealing authority for agencies to choose not to use state term contracts that contain a surcharge; creating s. 287.0565, F.S.; authorizing the department to adopt rules for small procurements; amending s. 287.057, F.S.; revising request for proposal and invitation to negotiate requirements; requiring single source purchases to be posted in a form prescribed by the department; revising exceptions to competitive solicitation requirements; providing that services or commodities provided by certain agencies, colleges, and universities are not subject to competitive solicitation requirements; providing that certain services or commodities provided to the Department of State for voter education activities are not subject to competitive solicitation requirements; requiring certified negotiators for specified procurements; deleting a requirement that an agency report when it receives fewer than two bids, proposals, or replies; requiring the department to adopt rules for certification of negotiators; providing that certain activities will render a person ineligible for subcontracts; deleting a requirement that vendors be prequalified to use the online procurement system; deleting a requirement that the department adopt rules establishing online procurement criteria for eligible commodities and contractual services; revising fees that may be charged for the online procurement system; revising collection and deposit methods for online procurement fees; creating s. 287.0571, F.S.; authorizing agencies to conduct reverse auctions; specifying requirements for reverse auctions; requiring the department to adopt rules for reverse auctions; creating s. 287.0575, F.S.; authorizing agencies to require certified cost or pricing data in specified procurements; providing procedures for agencies to follow when requiring cost or pricing data; providing timelines for submission of cost or pricing data; requiring a truth-in-negotiation certificate to accompany cost or pricing data submissions; permitting agencies to audit vendor books and records related to cost or pricing data; permitting agencies to adjust prices based on inaccurate, incomplete, or outdated cost or pricing data; defining the term "cost or pricing data"; creating s. 287.0815, F.S.; defining terms; requiring the department to produce a report regarding agency outsourcing contracts and subcontracts; requiring publication of the report on the department's website; repealing s. 287.1345, F.S., relating to surcharges on users of state term contracts; amending s. 287.16, F.S.; revising the duties, powers, and responsibilities of the department relating to state-owned or state-leased aircraft, watercraft, and motor vehicles; amending s. 287.161, F.S.; providing that state-leased aircraft are included in the executive aircraft pool; deleting the provision that state employees traveling on a space available basis may not be charged more than the vehicle mileage allowance; providing legislative intent that executive aircraft pool be operated on a full cost-recovery basis; amending s. 287.17, F.S.; requiring annual agency reports to department on motor vehicle utilization; creating s. 408.919; requiring the Agency for Health Care Administration in partnership with other state agencies to contract for an Integrated Recipient Data Management Pilot Project; providing requirements; amending s. 945.025, F.S.; requiring specified contracts executed by the Department of Corrections to be competitively solicited; amending s. 946.515, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

CS for SB 2994—A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.16, F.S.; providing that the office of the Chief Financial Officer may have an official seal; amending s. 17.57, F.S.; authorizing the Chief Financial Officer to use reverse repurchase agreements in investment transactions; amending s. 17.59, F.S.; revising collateral safekeeping requirements; amending s. 17.61, F.S.; authorizing entities created under the State Constitution to invest funds; amending s. 20.121, F.S.; providing that the Chief Financial Officer may be referred to as the "Treasurer"; providing that the Department of Financial Services, rather than the Office of Insurance Regulation, is responsible for regulation of insurance adjusters; providing that the Director of the Office of Insurance Regulation may be known as the Commissioner of Insurance Regulation; providing that the Director of the Office of Financial Regulation may be known as the Commissioner

of Financial Regulation; amending s. 110.1227, F.S.; providing that the Director of the Office of Insurance Regulation, rather than the Chief Financial Officer, shall appoint an actuary to the Florida Employee Long-Term-Care Plan Board of Directors; amending s. 112.215, F.S.; providing for the Government Employees' Deferred Compensation Plan to be funded indirectly from fees charged by investment providers to plan participants; replacing the term "plan provider" with the term "investment option provider"; amending s. 215.31, F.S.; requiring every state official, office, or agency that enters into a settlement of a claim to assure that all funds are promptly deposited in the State Treasury or transmitted to beneficiaries as restitution; amending s. 215.95, F.S.; revising the membership of the Florida Financial Management Information Board; amending s. 215.96, F.S.; revising the membership of the coordinating council to the Florida Financial Management Information Board; extending the date of future repeal of the law requiring the board to facilitate the integration of certain administrative and financial management systems and establishing the Enterprise Resource Planning Integration Task Force; amending s. 287.064, F.S.; authorizing the financing of a guaranteed energy performance savings contract pursuant to a master equipment financing agreement; providing certain terms and restrictions; amending s. 408.05, F.S.; providing that the Director of the Office of Insurance Regulation, rather than the Chief Financial Officer, shall appoint an employee to the State Comprehensive Health Information System Advisory Council; amending s. 501.212, F.S.; specifying persons or activities that are exempt from part II of chapter 501, F.S., the Deceptive and Unfair Trade Practice Act; amending s. 516.35, F.S.; correcting a reference to the agency that licenses the sale of credit insurance; amending ss. 624.313, 624.317, 624.501, 626.016, 626.112, 626.161, 626.171, 626.181, 626.191, 626.211, 626.221, 626.231, 626.241, 626.251, 626.261, 626.266, 626.271, 626.281, 626.2817, 626.291, 626.301, 626.371, 626.381, 626.431, 626.461, 626.471, 626.521, 626.541, 626.551, 626.611, 626.621, 626.631, 626.641, 626.661, 626.681, 626.691, 626.692, 626.8582, 626.8584, 626.859, 626.863, 626.865, 626.866, 626.867, 626.869, 626.8695, 626.8696, 626.8697, 626.8698, 626.870, 626.871, 626.872, 626.873, 626.8732, 626.8734, 626.8736, 626.8738, 626.874, 626.878, F.S.; transferring and renumbering s. 627.7012, F.S., as s. 626.879, F.S., and amending such section; making conforming changes to authorize the Department of Financial Services, rather than the Office of Insurance Regulation, to regulate insurance adjusters; amending s. 626.9543, F.S.; specifying that the Department of Financial Services, rather than the former Department of Insurance, administers the Holocaust Victims Insurance Act; amending s. 626.989, F.S.; correcting references to the Bureau of Workers' Compensation Insurance Fraud with regard to the required annual report of the Department of Financial Services related to workers' compensation fraud; amending s. 627.0628, F.S.; providing that the Director of the Office of Insurance, rather than the Chief Financial Officer, shall appoint an employee of the office who is an actuary to the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.6699, F.S.; providing that the Director of the Office of Insurance Regulation, rather than the Chief Financial Officer, shall be a member of the board of the Small Employer Health Reinsurance Program; providing that the transfer of the regulation of adjusters from the Office of Insurance Regulation to the Department of Financial Services does not affect any administrative or judicial action prior to or pending on the effective date of the act; providing that any action approved or authorized by the Financial Services Commission or the Office of Insurance Regulation continues to be effective until the Department of Financial Services otherwise prescribes; providing that the rules of the Financial Services Commission related to adjusters shall become rules of the Department of Financial Services; providing an effective date.

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

CS for SB 3024—A bill to be entitled An act relating to insurers; amending s. 626.321, F.S.; limiting the types of business that may be transacted by personal lines agents; amending s. 626.854, F.S.; specifying duties of a public adjuster relating to contractors; prohibiting a public adjuster from restricting certain access and communications; amending s. 631.021, F.S.; authorizing certain domiciliary courts to exercise exclusive jurisdiction over certain persons under certain circumstances; specifying the Circuit Court of Leon County as having exclusive jurisdiction over certain proceedings and claims; amending s. 631.041, F.S.; entitling the estates of certain injured insurers to actual damages; authorizing a receivership court to impose additional sanctions; amending s. 631.0515, F.S.; subjecting certain managing general agents or

holding companies to court jurisdiction under certain circumstances; amending s. 631.141, F.S.; specifying certain expenses as administrative and recoverable by a receiver in certain proceedings; amending s. 631.205, F.S.; specifying that entry of certain orders does not constitute anticipatory breach of certain contracts or serve as grounds for certain adverse contract actions by a reinsurer; creating s. 631.206, F.S.; voiding certain contractual arbitration provisions by insurers in receivership; specifying a replacement arbitration provision; amending s. 631.261, F.S.; voiding certain transfers or liens made by certain persons prior to certain delinquency proceedings; specifying a criterion for making certain transfers; amending ss. 631.262 and 631.263, F.S.; specifying a criterion for making certain transfers; amending s. 625.081, F.S.; excepting credit disability insurance from certain active life reserve requirements for health insurance; amending s. 625.121, F.S.; providing for additional minimum standards for valuation of certain policies and contracts; providing minimum reserve requirements for credit life and disability policies; amending s. 627.476, F.S.; providing additional mortality tables to be used under the Standard Nonforfeiture Law for Life Insurance; repealing s. 625.131, F.S., relating to special reserve bases for credit life and disability policies; amending ss. 651.026 and 651.0261, F.S.; providing that the Financial Services Commission may require that certain reports and statements filed by continuing care providers and facilities be filed electronically; amending s. 651.033, F.S.; prescribing additional facilities in which escrow accounts may be deposited; amending s. 651.118, F.S.; prescribing circumstances under which sheltered nursing home beds may be used for persons not residents of a continuing care facility; providing an effective date.

By the Committees on Appropriations; Education; and Senators Carlton, Constantine and Cowin—

CS for 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, a summer program delivered by a public school, or a school-year 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 establish a credential for prekindergarten directors and an emergent 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; specifying eligibility requirements for school districts that deliver the school-year prekindergarten program; 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 the 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 per-student allocations; providing for advance payments to child development providers and public schools based upon student enrollment; providing for the documentation and certification of student attendance; requiring parents to verify student attendance and certify the choice of provider or school; providing for the reconciliation of advance payments based upon certified student attendance; requiring students to comply with attendance policies and authorizing the dismissal of students for noncompliance; prohibiting regional child development boards from withholding funds for administrative costs;

providing for the allocation of administrative funds among regional child development boards; 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; prohibiting certain transfers without specific legislative authority; 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.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES ON HOUSE BILLS HB 1875—
State Correctional System Operational Authority for State
Correctional Facilities

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the Speaker has appointed the following Representatives as conferees on the part of the House on HB 1835, HB 1837, HB 1843, HB 1845, HB 1855, HB 1857, HB 1875: Rep. Kyle (Chair) and Rep. Murman (Vice Chair); At Large: Reps. Bense, Cantens, Greenstein, Harrington, Jennings, Richardson, and Rubio; Agriculture and Environment: Rep. Baker (Chair), Reps. Evers, Clarke, M. Davis, Harper, Poppell, Spratt, and Troutman; Commerce and Local Affairs: Rep. Brummer (Chair), Reps. Brown, Bullard, D. Davis, Quinones, Sorensen, and Robaina; Education: Rep. Simmons (Chair), Reps. Arza, Baxley, Bendross-Mindingall, Carroll, Cretul, Kilmer, Kravitz, Pickens, Rivera, and Sansom; Health: Rep. Green (Chair), Reps. Farkas, Harrell, Harrington, Garcia, Roberson, and Slosberg; Human Services: Rep. Murman (Chair), Reps. Anderson, Bean, H. Gibson, and Sobel; Judicial: Rep. Negron (Chair), Reps. Benson, Holloway, Kottkamp, Mahon, Planas, and Stargel; Public Safety: Rep. Bilirakis (Chair), Reps. Adams, Barreiro, Dean, Henriquez, and Needelman; Transportation and Economic Development: Rep. Waters (Chair), Reps. Berfield, Cusack, Gardiner, Llorente, Russell, and Slosberg.

John B. Phelps, Clerk

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 251, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 14 was corrected and approved.

CO-SPONSORS

Senators Alexander—SR 2100; Bennett—SB 224, SB 1592, CS for SB 2804; Bullard—CS for CS for SB 1064, SB 1458, SB 2534; Campbell—SB 2574; Cowin—CS for SB 3036; Diaz de la Portilla—SB 2442; Hill—SB 120; Lee—SR 2100; Lynn—CS for SB 204, CS for CS for CS for SB 1218, CS for SB 1280, CS for SB 1396, SB 2312, CS for CS for SB 2882 and Wilson—CS for SB 598, CS for SB 1140, CS for CS for SB 2098, SB 2976, SR 3092

Senator Fasano withdrew as a co-sponsor of CS for SB 1226.

RECESS

On motion by Senator Lee, the Senate recessed at 6:51 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 12:30 p.m., Friday, April 16 or upon call of the President.